

1 District Judge Robert S. Lasnik
2 Magistrate Judge Ricardo S. Martinez
3
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5 FILED ENTERED
6 LODGED RECEIVED
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8 MAR 17 2003 KN
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10 AT SEATTLE
11 CLERK U.S. DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13 BY DEPUTY

14 CV 03 00289 #00000009
15

16 UNITED STATES DISTRICT COURT
17 WESTERN DISTRICT OF WASHINGTON
18 AT SEATTLE
19

20 VET BUOT,
21 Agency # A 27 290 441,
22

23 Petitioner,
24 v.
25

26 JOHN ASHCROFT, Attorney General of the United
27 States, SEATTLE INS DISTRICT DIRECTOR, and
28 the UNITED STATES IMMIGRATION AND
NATURALIZATION SERVICE,

29 Respondents
30

31 No C03-0289L (RSM)
32

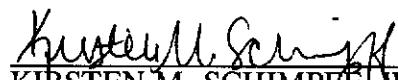
33 NOTICE OF FILING
34 ADMINISTRATIVE RECORD
35

36 Respondents hereby file the attached copy of Petitioner's administrative record ("A-file")
37 as provided to this office by the Seattle District Office of the Department of Homeland Security,
38 Bureau of Immigration and Customs Enforcement.
39

40 Dated this 17th day of March, 2003
41

42 Respectfully submitted,
43

44 JOHN MCKAY
45 United States Attorney
46

47 
48 KIRSTEN M. SCHIMPFF, WSBA# 31299
49 Assistant United States Attorney
50

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers,

That on March 17th, 2003, she caused copies of the *Notice of Filing Administrative Record* to be served upon the individual(s) hereinafter named by placing said copies in the United States mail, postage pre-paid, addressed as follows

Jay W Stansell
Assistant Federal Public Defender
1111 Third Avenue, Suite 1100
Seattle, WA 98101-3207

DATED this 17th day of March, 2003.

Sheila Sowecke
SHEILA SOWECKE,
Legal Assistant
United States Attorney's Office

Memorandum



United States Attorney
Western District of Washington

Subject **NEW P.O.D. CASE**
A-FILE DUE: March 5, 2003
Buot Vet v Ashcroft, et al
 W.D. Wash No C 03-0289L (RSM)
 INS # A 27-290-441

Date
February 24, 2003

To
 Patrick Shen, Attorney, OIL, DOJ
 P O Box 878, Ben Franklin Station, NW
 Washington, D.C. 20044-0878
BY FAX TO: (202) 616-4950

From *laf*
 Lois A. Ferguson
 Paralegal Specialist, Civil Division
 U.S. Attorney's Office, W D. Washington
 601 Union Street, Suite 5100
 Seattle, WA 98101-3903
 Tel. (206) 553-2262; Fax (206) 553-0116

George L. Morones
 Assistant District Director
 INS Detention & Deportation Section
 815 Airport Way South
 Seattle, WA 98134-1381
BY FAX TO: (206) 553-7218

We were served with a standard-form "Post-Order Detention" habeas corpus petition in the above case on February 20, 2002. Assistant U S Attorney Kirsten M. Schimpff has been assigned the case. The Court has ordered us to file our Return and Status Report, plus evidence about petitioner's "entry" and the "likelihood of removal," by March 17, 2003. Therefore, no later than **March 5, 2003**, please provide us copies of the following:

- * all I-213 Record(s) of Deportable Alien
- * deportation/removal order (written order and transcript if available)
- * all BIA decisions and orders
- * all criminal conviction records available
- * travel document requests and responses
- * all custody review decisions
- * HQ likelihood-of-repatriation decision

Please contact the assigned AUSA to discuss any potential delays in producing the records, any unusual facts of the case, whether receipt of a travel document is imminent, whether there will be a change in status soon, other specific defenses, etc.

Also, please provide us with the petitioner's date of birth, social security number, FBI number, Washington ID number, etc., as soon as possible so that we may institute an NCIC check. This information should be e-mailed to Lois Ferguson at lois.ferguson@usdoj.gov. Thank you.

cc Via Fax (w/Petition):

Dorothy Stefan, INS District Counsel
 Dave McConnell, OIL

laf(16NCM--Buot Vct)INS\POD

h-44



**U.S. Department of Justice
Immigration and Naturalization Service**

HQPDU
801 I Street, NW, Suite 800
Washington, DC 20536

Vet Bunt
c/o USINS Seattle District
815 Airport Way, South
Seattle, WA 98134

A27290441

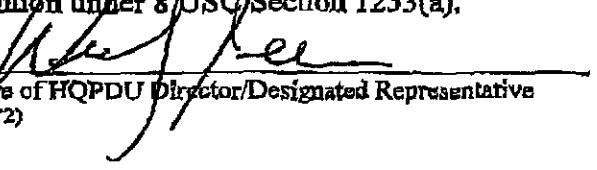
Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of the Immigration and Naturalization Service (Service) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to the Service's reviewing officials.

You are a native and citizen of Cambodia who entered the United States as refugee on November 15, 1983. You were convicted of 1st degree Assault on July 7, 1995 and sentenced to 105 months incarceration. Based on your conviction, you were ordered removed on May 13, 1996. You were turned over to the Service on October 17, 2002. The Service considers you to be a flight risk and a threat to the community and cannot grant your release under 241.4.

The government of Cambodia has signed a Memorandum of Understanding for repatriation between the United States and Cambodia. Given the recent success that the Service has had in repatriating Cambodian nationals, the Service anticipates that a travel document will be issued in the reasonably foreseeable future and your removal will be carried out as ordered.

Based on the above, you are to remain in Service custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with the Service's efforts to remove you by taking whatever actions the Service requests to effect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).


Signature of HQPDU Director/Designated Representative
(Page 1 of 2)


Date
7/28/03

Decision to Continue Detention
A27290441, Vct Buot

Page 2

PROOF OF SERVICE**(1) Personal Service (Officer to complete both (a) and (b) below.)**

(a) I Tony P. Yombari Deportation Officer
 Name of INS Officer Title
 certify that I served Vct Buot Name of detainee
 this document at FDC on 3/4/03 at 14:00
 Institution Date Time

(b) I certify that I served the custodian _____
 Name of Official

_____, at _____, on _____
 Title Institution
 _____ with a copy of this document.
 Date

OR**(2) Service by certified mail, return receipt. (Attach copy of receipt)**

I _____, certify
 Name of INS Officer Title
 that I served _____ and the custodian _____
 Name of detainee Name of Official
 with a copy of this document by certified mail at _____
 Institution on _____
 Date

cc: Attorney of Record or Designated Representative
 cc: A-File

R042



U.S. Department of Justice
Immigration & Naturalization Service
Western Region, Seattle District
Detention and Removal Operations

815 Airport Way South
Seattle, WA 98134

February 4, 2003

Vet BUOT (A27 290 441)
Federal Detention Center
P.O. Box 13900
Seattle, WA 98198

**Decision by District Director to Continue Detention
Upon Expiration of Removal Period**

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of the Immigration and Naturalization Service (INS) at this time. This decision has been made based on a review of your file and consideration of the information submitted to INS' reviewing officials in support of your application for release.

After carefully weighing the factors pertaining to your case, you will not be released from the custody of the INS because I find that you have failed to demonstrate that you will not be a danger to the community. The circumstances surrounding your conviction for Assault in the First Degree were disturbing and violent. Furthermore, you presented no written statements offering your plan of release and I note that you did not submit written or otherwise, information as to where you would reside or if you had any employment opportunities. Based on your rather vague presentation, I consider you to also be a flight risk. Having taken all factors into consideration, I am not convinced that you will abide by conditions of release from Service custody.

Control of your custody case will be transferred to the INS Headquarters Post Order Detention Unit. Your situation will be reviewed again by that unit.

George L. Morones
Assistant District Director, Detention & Removal

Seattle, WA
(Page 1 of 2)

Roti

Decision to Continue Detention Upon Expiration of Removal Period

Page 2

Vet BUOT (A27 290 441)

PROOF OF SERVICE

(1) **Personal Service (Officer to complete both (a) and (b) below.)**

(a) I Tony Pakombari Deportation Officer
Name & Title of INS Officer

certify that I served BuOT vet with a copy
Name of detainee

of this document at FDC on 2/4/03 at 16:15
Institution Date Time

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, certify that I served _____

an the custodian of records at _____

with a copy of this document by certified mail at on _____
Pat

CC: Attorney of Record or Designated Representative

(X) CC-A-File

(X) Docushare

ADDRESS FURTHER CORRESPONDENCE TO:

INS Post-Order Detention Review Unit

801 I St. NW, Suite 801

Washington, D.C. 20536

(Page 2 of 2)

Roto

**POST ORDER CUSTODY REVIEW WORKSHEET FOR FILE REVIEW
AND/OR INTERVIEW**

Detainee Name: Vet BUOT **"A" Number:** A27 290 441
AKA's: BOUT, Vet **Misc #**
Date of Birth: January 2, 1969 **BOP Number:**
Country of Birth: Cambodia **Citizenship:** Cambodia
Date of Arrival: November 15, 1983 **Place of Arrival:** SFR
Status at Entry: REF **Last Date into INS Custody:** October 17, 2002
Entered INS Custody from: Local, State, or Federal Institution
 Other
Location: Washington State DOC **Institution Number:** 737154

Deportation Officer: Nathalie R. Asher **Date of Review:** February 4, 2003

Location Detained: Federal Detention Center
2425 So 200th St., Seatac, WA 98198

Deportation/Exclusion/Removal Proceedings

List all Charges Section 237 (a)
 Section 212 (a)
 Section 241 (a) (2)(a)(iii)
 Under Final Order dated May 13, 1996 by IJ BIA Other
 Appeal Waived/Appeal Time Elapsed
Habeas filed Yes Date & Location Filed:
 No.

Legal Representative / Attorney

G-28 Filed Yes No

Notification of Interview Made: Yes N/A
by DO on: December 17, 2002

Name of Representative / Attorney

Mailing Address **Phone Number:**

Present during interview: Yes No Not Interviewed

Immigration History: (Prior INS arrest[s]/parole/bond/custody information)

Subject was admitted to the United States on 11/15/1983 as a refugee. His status was adjusted to that of lawful permanent resident on 06/19/1986 as of his date of entry. During routine jail screening, Seattle District INV encountered Subject while he was incarcerated with Washington State Department of Corrections, Shelton, WA. Due to his 07/07/1995 conviction for the offense of Assault in the First Degree, Subject was served with an Order to Show Cause before the Executive Office of Immigration Review and was consequently ordered deported to Cambodia on 05/13/1996

Criminal History:

Outside the United States. UNK

In the United States:

07/07/1995 Assault in the First Degree 105 months incarceration

NCIC Checks

Criminal History Attached
(State and Federal)

No record Found

Summary of NCIC Checks:

Institutional / Disciplinary Record

Did the detainee have prior Disciplinary Reports?

Yes No

Source: Our records do not contain reports in reference to his behavior in State custody.

Disciplinary reports and Incidents while in INS Custody? Yes No

A review of his file indicates he has not been a problem for officers of the Service or detention staff.

Specifics of Interview

Date of File Review: 02/04/2003

Date of Detainee Interview:

(optional)

Location of Interview:

Interviewing Officer:#1:

#2:

Interpreter Used: (if subject interviewed) Yes No

Name of Interpreter:

Language/Dialect:

Discussion

N/A – File Review

Travel Document Status/History:

List aliens attempts to get travel documents and status:

Describe: No attempts on the part of the detainee.

List service attempts to get travel document and status:

Describe: A travel document request was sent to the Royal Embassy of Cambodia on 07/19/1996. On 08/05/1996 this office received written correspondence from this embassy, declining to issue a travel document.

NOTE: Within the last year, the government of Cambodia has conducted several interviews of its citizens awaiting removal to that country. As a result, travel documents are being issued and individuals have been returned to Cambodia. Subject's travel document request is dated, given the change of circumstances, it is recommended that a current travel document request be sent for reconsideration

Does the detainee have a place to live in the United States? Yes No

Address:

Is the detainee subject to any parole or probation requirements? Yes No

Describe: 24 months community supervision

Does the detainee have close family ties within the United States? Yes No

Describe:

Does the detainee have any community ties or non-governmental sponsors? Yes No

Describe:

Does the detainee have any employment prospects? Yes No

Describe:

What is the detainee's employment history?

Describe: Unknown

What is the detainee's educational level?

Describe: Unknown

Does the detainee have any vocational training?

Describe: Unknown

Medical/Psychological Concerns

Medical/Psychological Report / Summary Attached None Not Available

Date and Source:

The Service file does not indicate that Subject is suffering from physical or psychological disorders

Other documentary evidence for consideration in this review:

Subject was notified via personal service on 12/17/2002, that his custody status would be reviewed in the form of a file review on or about 01/15/2003. As of today's date, I have not received anything on his behalf for consideration in this review.

Officer Comments/Analysis & Recommendation

Other than his 1995 conviction, very little is known about BUOT. According to information in the Service file, BUOT claims to have a USC son in the Seattle area, however there is no mention of any other family members' whereabouts. It also appears that BUOT has no defined roots or equities tied to a specific area within the United States. His employment history is unknown as is his level of education. While he was given ample notice and time to prepare for this file review, BUOT did not submit any letters of support, employment prospects or personal statement for consideration.

Although BUOT has only one criminal conviction, it is particularly violent in nature. According to the Certification for Determination of Probable Cause, BUOT struck his victim once in the head with a double-bladed axe in front of a crowd of people during a wedding reception. BUOT supposedly was angry with his victim for having "stolen" his girlfriend. BUOT continued his assault by repeatedly kicking his victim as he lay unconscious and bleeding on the floor. As a result of the attack, the victim was rushed to a nearby hospital where he was treated for an open and depressed skull fracture. When police arrived at the scene, BUOT refused to comply and repeatedly attempted to pull away from the officers. BUOT denied any wrongdoing, claimed that he carried the axe for protection and that he believed the individual wanted to fight "by the look in his eye." BUOT was convicted for Assault in the First Degree and sentenced to 105 months incarceration and 24 months community supervision.

At this juncture, the reviewer would offer that BUOT is both a danger to the community as well as a flight risk. The severity of his crime speaks for itself. It is unknown whether or not BUOT participated in any anger management while incarcerated. It is not possible to gauge the likelihood of him complying with the conditions of release, nothing was submitted at the time of review. BUOT's lack of participation in this process suggests an indifferent and irresponsible disposition.

Lastly, removal to Cambodia is likely. Over the past year the government of Cambodia has issued travel documents and citizens of this country have been removed from the United States. A new travel document request should be sent for reconsideration.

In light of the factors above, the reviewer believes that BUOT is not a candidate for release at this time.

Nathalie P. Asher

Reviewing Officer #1

2/4/2003

Date:

Reviewing Officer #2 (Optional)

Date.

Supervisory Review Officer.

Date:

CUSTODY DETERMINATION

RELEASE FROM CUSTODY / ORDER OF SUPERVISION

CONTINUE IN CUSTODY (REFER TO HQ'S POST ORDER DETENTION UNIT)

WAIT ADDITIONAL 90 DAYS, PENDING REMOVAL.
(Maximum 180 days, then refer to HQ PDU)

Comments I concur with the reviewing officer's assessment. Subject remains a threat to the community. Review T/D request ASAP.

Larry L. Yocom ADP/DRS SEA 2/4/03
District Director or Designate Office Date



**U.S. Department of Justice
Immigration and Naturalization Service
Western Region, Seattle District
SEADD#90/16.51**

Office of Detention & Removal

*815 Airport Way South
Seattle, WA 98134
206-553-7915
Fax. 206-553-2387*

December 17, 2002

**Vet BUOT (A27 290 441)
Federal Detention Center/BOP
Sea-Tac, WA**

Notice to Alien of Annual File Custody Review

You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS District Director will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating by "clear and convincing evidence" that you **will not pose a danger to the community and will not be a significant flight risk**.

Your custody status will be reviewed on or about: **January 15, 2003**. The District Director may consider, but is not limited to considering the following:

- 1 The nature and seriousness of your criminal convictions;
- 2 Other criminal history;
- 3 Sentence(s) imposed and time actually served;
- 4 History of escapes, failures to appear for judicial or other proceedings, and other defaults;
- 5 Probation history;
- 6 Disciplinary problems while incarcerated;
- 7 Evidence of rehabilitative effort or recidivism;
- 8 Equities in the United States;
- 9 Prior immigration violations and history; and
- 10 Cooperation in obtaining your travel document.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf.

**U.S. Department of Justice
Immigration and Naturalization Service
Attn: Post Order Custody Review Unit
P.O. Box 3222
Seattle, WA 98114**

(Page 1 of 2)

R033

Page 2

Notice to Alien of File Custody Review
Vet BUOT (A27 290 441)

METHOD OF SERVICE

I certify that this form was provided to the alien by:

CC: Attorney of Record or Designated Representative
 CC: A-file

(Hand)

(Institution Mail)


Signature of Officer

Tony Payambar,

Print Name of Officer

12/17/02

Date

(Page 2 of 2)

Ro32



USA Airbill

8272 5030 2043

0215

1 From Please print and press hard.
Date 2/11/03 Sender's FedEx Account Number 103

Sender's Name Phone ()

Company consulate General of Cambodia

Address 4500 16th Street NW Dept/Poor/Suite/Room

City Washington State DC ZIP 20011

2 Your Internal Billing Reference 27-290-441 First 24 characters will appear on invoice.

3 To Recipient's Name SEA-DRO-DepSiv Phone (206) 553-5948

Company IMMIGRATION & NATURALIZATION

Address B15 AIRPORT WAY S RM 314

To HOLD at FedEx location, print FedEx address.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

City SEATTLE State WA ZIP 98134

Dept/Poor/Suite/Room

See back for application instructions

Questions? Visit our Web site at fedex.com

or call 1 800 Go FedEx® (800)463-3339

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0177787557

4 FedEx USA Airbill 8385 0535 0298 0215

1 From Please print and press hard.
Date 2/11/03 Sender's FedEx Account Number 1426-0735-2

Recipient's Name SEA-DRO-DepSiv Phone ()

Company IMMIGRATION & NATURALIZATION SVC

Address B15 AIRPORT WAY S

City SEATTLE State WA ZIP 98134-1310

2 Your Internal Billing Reference 27-290-441 First 24 characters will appear on invoice.

3 To Recipient's Name Phone ()

Company consulate General of Cambodia

Address 4500 16th street NW

To HOLD at FedEx location, print FedEx address.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address

City Washington State DC ZIP 20011

Dept/Poor/Suite/Room

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By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

Questions? Visit our Web site at fedex.com

or call 1 800 Go FedEx® 800 463 3339

4a Express Package Service

FedEx Priority Overnight Next business morning FedEx Standard Overnight Next business afternoon FedEx First Overnight earliest next business morning delivery to select locations

FedEx 2 Day Second business day FedEx Express Saver Third business day FedEx FedEx Extra Hours Later delivery with next business day speed delivery to select locations

4b Express Freight Service

FedEx 1 Day Freight* Next business day FedEx 2 Day Freight Second business day FedEx 3 Day Freight Third business day

FedEx Confirmation

5 Packaging

FedEx Envelope* FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak Other Pkg Includes FedEx Box, FedEx Tube, and customer pkg.

6 Special Handling

SATURDAY Delivery Available only for FedEx Priority Overnight and FedEx 2 Day to select ZIP codes

Does this shipment contain dangerous goods? No Yes As per attached Shipper's Declaration Dry Ice Dry Ice 9. UN 1845 kg Cargo Aircraft Only

7 Payment Bill to

Sender Recipient Third Party Credit Card Cash/Check

FedEx Acct. No. 1426-0735-2

Credit Card No. Exp. Date

Total Packages 1 Total Weight 00 Total Declared Value* \$ 00

*Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature

Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

406

4a Express Package Service

FedEx Priority Overnight Next business morning FedEx Standard Overnight Next business afternoon FedEx First Overnight earliest next business morning delivery to select locations

FedEx 2 Day Second business day FedEx Express Saver Third business day FedEx FedEx Extra Hours Later delivery with next business day speed delivery to select locations

4b Express Freight Service

FedEx 1 Day Freight* Next business day FedEx 2 Day Freight Second business day FedEx 3 Day Freight Third business day

FedEx Confirmation

5 Packaging

FedEx Envelope* FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak Other

6 Special Handling

SATURDAY Delivery Available ONLY for FedEx Priority Overnight and FedEx 2 Day to select ZIP codes

Does this shipment contain dangerous goods? No Yes As per attached Shipper's Declaration not required Dry Ice Dry Ice 9. UN 1845 kg Cargo Aircraft Only

7 Payment Bill to

Sender Recipient Third Party Credit Card Cash/Check

Total Packages 1 Total Weight 00 Total Declared Value* \$ 00

*Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature

Sign to authorize delivery without obtaining signature.

R031
0234910267

447



U.S. Department of Justice
Immigration and Naturalization Service
Western Region, Seattle District

Office of Detention & Removal Operations

815 Airport Way South
Seattle, WA 98134
(206) 553-5948/7915
Fax (206) 553-2387

February 7, 2003

Consulate General of Cambodia
4500 16th Street NW
Washington, DC 20011

Dear Consulate General

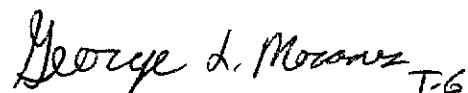
BUOT, Vet, A27 290 441, a native and citizen of Cambodia, is in the custody of the Immigration and Naturalization Service. He is under removal proceedings, and has been ordered removed from the United States by the Immigration Judge. Therefore, it is respectfully requested that a travel document be issued to facilitate his return to Cambodia.

The attached are documents that your office requires. Your expeditious handling of this matter of mutual interest is greatly appreciated. We have included a return FedEx airbill and envelop for your convenience.

If additional information is needed, please call Deportation Officer Thomas Giles, William Penalosa or Nathalie Asher at the numbers given above.

Thank you for your assistance in this matter.

Sincerely,



TG

George L. Morones
Assistant District Director,
Detention & Removal Operations

Ro30



U.S. Department of Justice
Immigration and Naturalization Service
Western Region, Seattle District

Office of Detention & Removal Operations

815 Airport Way South
Seattle, WA 98134
(206) 553-5948/7915
Fax (206) 553-2387

February 7, 2003

Consulate General of Cambodia
4500 16th Street NW
Washington, DC 20011

Dear Consulate General:

I, Thomas P. Giles, certify that on this date, the enclosed are true and correct copies of all original documents, including, but not limited to, cedula, passport, and identification cards

Sincerely,

Thomas P. Giles
Deportation Officer

R029

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
Seattle, Washington

File No.: A 27 290 441

May 13, 1996

In the Matter of) ORDER RE
VET BUOT,) DEPORTATION PROCEEDINGS
Respondent)

CHARGE: Section 241(a)(02)(A)(iii), I&N Act [8 U.S.C.
Section 1251(a)(2)(A)(iii)] conviction of an
aggravated felony

APPLICATION: Section 212(c), Waiver of Excludability

IN BEHALF OF RESPONDENT:

Vet Buot, Pro Per

IN BEHALF OF INS:

Gregory E. Fehlings, Esq.
P.O. Box 3324
Seattle, WA 98114

ORDER OF THE IMMIGRATION JUDGE

Respondent entered the United States as a refugee at or near San Francisco, California on or about November 15, 1983. On June 19, 1986, respondent adjusted to a permanent resident as of November 15, 1983. The Immigration and Naturalization Service (hereinafter "INS") issued an Order to Show Cause (hereinafter "OSC") on July 25, 1995, charging Respondent with deportability pursuant to Section 241(a)(02)(A)(iii) of the Immigration and Nationality Act (hereinafter "The Act"), for an aggravated felony. (Exhibit 1)

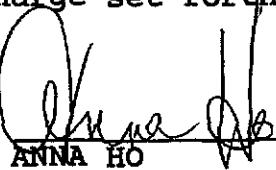
On July 7, 1995, the respondent was convicted in the State of

Roz8

ORDER

IT IS HEREBY ORDERED that the Respondent's request to file an application for a waiver under Section 212(c) be pretermitted.

IT IS FURTHER ORDERED that respondent be deported from the United States to Cambodia on the charge set forth in the Order to Show Cause.


ANNA HO
Immigration Judge

ORDER TO SHOW CAUSE AND NOTICE OF HEARING (ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

*In Deportation Proceedings under section 242 of the Immigration and Nationality Act
(En los trámites de deportación, a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad)*

United States of America:
(Estados Unidos de América)

File No. A27 290 441
(No. de registro)

Dated July 25, 1995
(Fechada)

In the matter of
(En el asunto de)
Address
(Dirección)

BUOT, Vet
(aka) BOUT, Vet (DOC #737154)
c/o Washington State Corrections Center
Post Office Box 900

Shelton, WA. 98584

(Respondent)
(Demandado)

Telephone No (Area Code) (360) 426-4433
(No de teléfono y código de área)

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que)

- 1) You are not a citizen or national of the United States.
(Ud. no es ciudadano o nacional de los Estados Unidos)
- 2) You are a native of Cambodia and a citizen of Cambodia
(Ud. es nativo de) (y ciudadano de) (15 de Noviembre, 1983)
- 3) You entered the United States at or near San Francisco, California on or about November 15, 1983
(Ud. entró a los Estados Unidos en o cerca de) (el día o hacia esa fecha)
- 4) At that time you entered as a refugee.
(En ese momento Ud. entró como un refugiado.)
- 5) On June 19, 1986, you were accorded the status of a permanent resident as of November 15, 1983.
(En el 19 de Junio, 1986, Ud. fue acuerdado estados como un residente permanente desde el 15 de Noviembre, 1983.)
- 6) You were on July 7, 1995, convicted in the Superior Court of Washington for King County, for the offense of Assault in the First Degree.
(Ud. resultó convicto el 7 de Julio, 1995, en el Tribunal Superior de Washington, Condado de King, por el delito de Asalto en el Primer Grado.)
- 7) For that offense, the term of imprisonment imposed was 105 months.
(Por ese delito, el término de confinamiento impuesto fue de 105 meses.)

BUOT, Vet
 Respondent (aka) BOUT, Vet (DOC #737154)
 (Demandado)

Dated July 25, 1995
 (Fechada)
 File No A27 290 441
 (No de registro)

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law

(Y segun los alegatos anteriores, se le acusa de estar sujeto a deportacion de acuerdo con la(s) siguiente(s) disposicion(es) de la ley)

1) Section 241 (a) (2) (A) (iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after entry, you have been convicted of an aggravated felony as defined in Section 101 (a) (43) of the Act, to wit: a crime of violence (as defined in Section 16 of Title 18, United States Code, not including a purely political offense), for which a term of imprisonment imposed was five years or more.
 (Seccion 241 (a) (2) (A) (iii) de la Ley de Inmigracion y Nacionalidad (INA), segun enmendada, en que, en algun momento despues de su entrada, Ud. ha resultado convicto de un felonía agravada, segun se define en la Seccion 101 (a) (43) de la INA, a saber: un delito de violencia (segun se define en la Seccion 16 del Titulo 18,Codigo de los Estados Unidos, que no incluye un delito puramente politico), por el cual fue impuesto un termino de confinamiento de cinco anos o mas.)

WHEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for Immigration Review of the United States Department of Justice at

(POR LO CUAL, SE LE ORDENA comparecer ante un juez de inmigracion de la Oficina Ejecutiva de Revision de Inmigracion del Departamento de Justicia de los Estados Unidos en)

To be calendared and notice provided by the Office of the Immigration Judge.

Address Notice will be mailed to the address provided by the Respondent.

(Direccion) (La oficina del juez de inmigracion enviara un aviso a la direccion facilitada
 On el demandado con la fecha de la audiencia.) At _____ m
 (Fecha) (Hora) _____

and show cause why you should not be deported from the United States on the charge(s) set forth above
 (y mostrar motivos justificantes por cual no deberia ser deportado de los Estados Unidos por los cargos expresados anteriormente)

Dated July 25, 1995
 (Fechada)

Signature of Issuing Officer _____
 (Firma del funcionario que la expide)

City and State of Issuance Seattle, Washington
 (Ciudad y Estado donde se expide)

Title of Issuing Officer District Director
 (Titulo del funcionario que la expide)

This Order to Show Cause shall be filed with the Immigration Judge of the Executive Office for Immigration Review at the address provided below. You must report any changes of your address or telephone number in writing to this office.

Debe presentar esta Orden de Presentar Motivos Justificantes a la Oficina Ejecutiva de Revisión de Inmigración en la siguiente dirección. Debe notificar cualquier cambio de su domicilio o número de teléfono por escrito a

The Office of the Immigration Judge

1000 Second Avenue Suite 3150
Seattle, Wa. 98104

Certificate of Translation and Oral Notice

This Order to Show Cause was was not read to the named alien in the SPANISH language, which is his/her native language or a language which he/she understands.

| | | |
|------|-----------|--------------------------------------|
| Date | Signature | Printed Name and Title of Translator |
|------|-----------|--------------------------------------|

Address of Translator (If other than INS employee) or office location and division (if INS employee)

BY CERTIFIED MAIL

(If oral notice was not provided please explain)

| Manner of Service | Alien's Right Thumb Print |
|--|---------------------------|
| <input type="checkbox"/> Personal Service to Alien <input checked="" type="checkbox"/> Certified Mail - Return Receipt Requested <input checked="" type="checkbox"/> Alien <input type="checkbox"/> Counsel of Record | |

Certificate of Service

This Order to Show Cause was served by me at _____ on _____ September 01, 19 95 at _____ m.

| | | | | |
|---------------------|---------------------|--------------|-------------------------|-------------|
| Officer's Signature | <u>Mary Whitney</u> | Mary Whitney | Investigation Assistant | Seattle, WA |
| | | Printed Name | Title | Office |

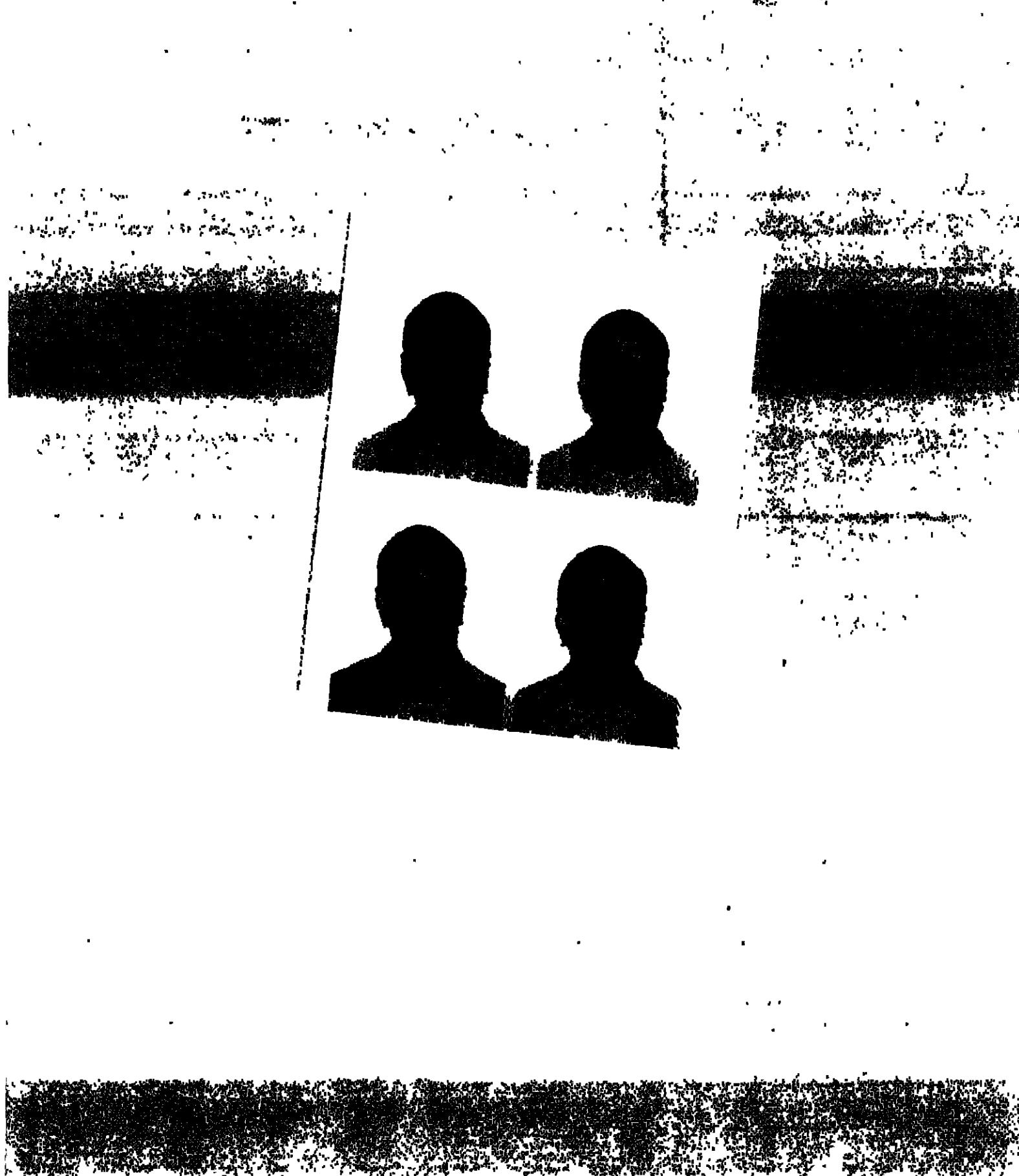
Alien's Signature (acknowledgment/receipt of this form)
(Firma de extranjero/acuse de recibo)

**Request for Prompt Hearing and Waiver of 14-Day Minimum Period
(Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)**

To expedite determination of my case, I request an immediate hearing, and waive my right to the 14 day notice.
(Para agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días.)

Signature of Respondent
(Firma de demandado)

Date
(Fecha)



R. 23

8) I believe I may be inadmissible to the United States for the following reasons
 he mother of my daughter cheated on me in 1995, and I was upset and
 motivated and I got into a fight with her new lover. I was charged with 1st
 degree assault and am serving time in the WA State Penitentiary. I need to
 live in the USA to be with my daughter because she needs her father.

I understand that the information herein contained may be used in any criminal or civil proceedings, including deportation or exclusion, hereafter instituted against me.

I certify that the statements above are true and correct to the best of my knowledge and belief.


 (Signature of Applicant)

SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

(Signature)

(Address)

(Date)

Decision.

Application granted upon the following terms and conditions

DATE
OF
ACTION
DD
DISTRICT

INSTRUCTIONS TO THE APPLICANT

READ INSTRUCTIONS CAREFULLY - FEE WILL NOT BE REFUNDED

- (A) This form when completely executed, should be submitted to the District Director of the Immigration office having jurisdiction over your place of permanent residence.
- (B) A fee of ninety dollars (\$90) must be paid for filing this application. It cannot be refunded regardless of the action taken on the application. DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If applicant resides in Guam, check or money order must be payable to the "Treasurer, Guam." If Applicant resides in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service." When check is drawn on account of a person other than the applicant, the name of the applicant must be entered on the face of the check. If application is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the Immigration and Naturalization Service in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any document issued pursuant thereto invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.
- (C) If the space provided in the form is insufficient to answer a question fully, you should attach a sheet of paper containing your answer which should be numbered to correspond with the question.
- (D) In Part (3) where absences have been numerous as a resident alien border crosser or as a seaman it will be sufficient to give the approximate number of such absences and the years covered thereby.
- (E) List specifically and in detail your reasons for possible inadmissibility. For example, if application is made because the applicant may be inadmissible due to conviction of crime, the designation of the crime, the date and place of its commission and of conviction therefor, and the sentence or other judgement of the court shall be stated in the application. In the case of disease, mental or physical defect or other disability, give exact description, duration thereof and date and place last treated.
- (F) If applicant is mentally incompetent or is under 14 years of age, the application shall be executed by his parent or guardian.

The authority for collection of the information requested on this form is contained in 8 U.S.C. 1103(a). Submission of the information is voluntary. The principal purpose for which the information is solicited is for use by a District Director of the Immigration and Naturalization Service to determine whether the applicant is eligible for advance permission to return to an unrelinquished domicile pursuant to the provisions of section 212(c) of the Immigration and Nationality Act, 8 U.S.C. 1182(c). The information solicited may also, as a matter of routine use, be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies, the Department of Defense including any component thereof (if the applicant has served, or is serving in the Armed Forces of the United States), the Department of State, Central Intelligence Agency, Interpol, and individuals and organizations, during the course of investigation to elicit further information required by the Service to carry out its functions. Failure to provide any or all of the solicited information may result in the denial of the application.

Roz

BIOGRAPHIC INFORMATION

| | | | | | | | |
|---|---|--|--|--|--------------------------------|---|---------------------|
| (Family name) Buot | (First name) VET | (Middle name) S | <input checked="" type="checkbox"/> MALE | BIRTHDATE (Mo-Day-Yr) 02-01-69 | NATIONALITY Cambodia | FILE NUMBER A | |
| ALL OTHER NAMES USED (including names by previous marriages) Bout | | <input type="checkbox"/> FEMALE | | CITY AND COUNTRY OF BIRTH Cambodia | | SOCIAL SECURITY NO (If any) 560-77-8441 | |
| FAMILY NAME I | FIRST NAME Know nothing about my family. I was an orphan. | DATE, CITY AND COUNTRY OF BIRTH (If known) | | | CITY AND COUNTRY OF RESIDENCE | | |
| FATHER MOTHER (Maiden name) | | | | | | | |
| HUSBAND (If none so state) OR WIFE N/A | FAMILY NAME (For wife, give maiden name) | FIRST NAME | BIRTHDATE | CITY & COUNTRY OF BIRTH | | DATE OF MARRIAGE | PLACE OF MARRIAGE |
| FORMER HUSBANDS OR WIVES (If none so state) PIA | | FIRST NAME | BIRTHDATE | DATE & PLACE OF MARRIAGE | | DATE AND PLACE OF TERMINATION OF MARRIAGE | |
| APPLICANT'S RESIDENCE LAST FIVE YEARS LIST PRESENT ADDRESS FIRST | | | | | | | |
| STREET AND NUMBER W.S-P. P.O. Box 520 45 Front St | CITY Walla Walla RAYMOND | PROVINCE OR STATE W-A W-A | COUNTRY USA USA | MONTH Sept | YEAR 95 | PRESENT TIME | |
| | | | | May | 87 | MONTH May | YEAR 95 |
| | | | | | | | |
| APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR | | | | | | | |
| STREET AND NUMBER I don't know | CITY | PROVINCE OR STATE | COUNTRY Cambodia | MONTH February | YEAR 1969 | MONTH November | YEAR 1983 |
| APPLICANT'S EMPLOYMENT LAST FIVE YEARS (IF NONE, SO STATE) LIST PRESENT EMPLOYMENT FIRST | | | | | | | |
| FULL NAME AND ADDRESS OF EMPLOYER W-S P. P.O. Box 520 Walla Walla Wa Robert Blaie Woodville 99364 Robert Blaie 35 NE Reeton WA Scott 1st lot 41 Allen Elma, WA | OCCUPATION (SPECIFY) | | | MONTH NOV | YEAR 95 | PRESENT TIME | |
| | | | | Feb | 92 | Dec | 94 |
| | | | | Jan | 91 | Feb | 92 |
| | | | | Jun | 87 | Dec | 90 |
| Show below last occupation abroad if not shown above (Include all information requested above) | | | | | | | |
| THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR: <input type="checkbox"/> NATURALIZATION <input type="checkbox"/> OTHER (SPECIFY) <input type="checkbox"/> STATUS AS PERMANENT RESIDENT | SIGNATURE OF APPLICANT <i>Robert</i> | | | DATE Jan. 3, 96 | | | |
| IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET IN THIS SPACE | | | | | | | |
| Are all copies legible? <input checked="" type="checkbox"/> Yes | | | | | | | |

PENALTIES SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

| | | | |
|--|----------------------------|---------------------------|---|
| COMPLETE THIS BOX (Family name) Buot | (Given name) VET | (Middle name) S | (Alien registration number) A27-290-441 |
|--|----------------------------|---------------------------|---|

11/16/99
223/9
NSUAC
#2
1169
SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,
Plaintiff,
v.
VET BOUT
Defendant.

NO. 95-1-03640-2
117

FELONY WARRANT OF COMMITMENT

1. () COUNTY JAIL
2. (XX) DEPARTMENT OF CORRECTIONS
3. () OTHER - CUSTODY
4. () WESTERN STATE HOSPITAL
Sexual Offender)

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF KING COUNTY

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of King, that the defendant be punished as specified in the Judgment and Sentence, ~~XXXXXXXXXXXXXX~~ a full true and correct copy of which is attached hereto.

() 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in King County Jail; or pursuant to RCW 9.94A.190(3), if the defendant is committed or returned for incarceration in a state facility or another felony, take and deliver the defendant to the proper officers of the Department of Corrections.)

(X) 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody.)

() 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above and 4 below.)

() 4. The defendant is committed for up to thirty (30) DAYS evaluation at Western State Hospital to determine amenability to sexual offender treatment.

YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the State pending delivery to the proper officers of the Department of Social and Health Services.

YOU, THE PROPER OFFICERS OF THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, ARE COMMANDED to receive the defendant for evaluation as ordered in the Judgment and Sentence.

By direction of the Honorable

Dated: July 10, 1995

RICHARD M. ISHIKAWA

Judge
M. JANICE MICHELS

By:

Clerk
Deputy Clerk
WAM/KD

Ro19

| RECORD OF DEPORTABLE ALIEN | | | | (See AM - 2790 31-34 for Instructions) | | | | | |
|---|--------------------------------------|--|-------------------|--|------------------|------------------------------------|------------|------|------------|
| Family Name (Capital Letters) | | Given Name | | Middle Name | | Sex | Hair | Eyes | Complexion |
| BUOT, Vet (aka) BOUT, Vet (DOC #737154) | | | | | | M | blk | brn | med |
| Country of Citizenship | Passport Number and Country of Issue | | File Number | | Height | Weight | Occupation | | |
| CAMBODIA | None | | A27 290 441 | | 67 | 120 | labor | | |
| U.S. Address | | Telephone (Area #) (Number) - Street | | (City) | (State) Zip Code | Scars or Marks | | | |
| | | | | | | 1" scar at left elbow | | | |
| c/o Washington State Corrections Center, POB 900, Shelton, WA | | | | | | | | | |
| Date Place Time Manner of Last Entry | | | | Passenger Boarded At | | | | | |
| 1983, SFR, refugee | | | | (air) | | unknown | | | |
| Number Street City Province (State) and Country of Permanent Residence (LPR in USA) | | | | | | | | | |
| 45 Front Street, Raymond, WA., USA | | | | | | | | | |
| Birthdate | | Date of Action | | Location Code | | Method of Location/Apprehension | | | |
| 2-1-69 (26) | | 7-11-95 | | SEA | | | | | |
| City Province (State) and Country of Birth | | AR | Form (Type & No.) | <input type="checkbox"/> Lifted <input type="checkbox"/> Not Lifted | | (At/Near) | | | |
| Battambang, CAMBODIA | | XX | N/A | | | | | | |
| Visa Issued At—NIV No | | Social Security Account Name | | | | | | | |
| N/A | | Vet BUOT | | | | | | | |
| Date Visa Issued | | Social Security No | | Send C.O. Rec. Check To | | Status of Entry | | | |
| N/A | | 560 77 8441 | | SEA | | Immigrant | | | |
| Immigration Record | | Criminal Record No prior history other than Assault 1 conviction, on 1983, at King Co., WA. Sentence imposed was 105 months confinement. | | | | | | | |
| Name Address and Nationality of Spouse (Maiden Name if appropriate) | | Number & Nationality of minor Children | | | | | | | |
| Not Married | | 1 - USC | | | | | | | |
| Father's Name and Nationality and Address if Known | | | | Mother's Present and Maiden Names, Nationality and Address if Known | | | | | |
| unknown | | | | Som BUOT (Cambodia) deceased | | | | | |
| Monies Due/Property in U.S. Not in Immediate Possession | | Fingerprinted | | Lookout Book Checked | | Deportation Charge(s) (Code Words) | | | |
| <input checked="" type="checkbox"/> None Claimed <input type="checkbox"/> See Form 1-43 | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | <input checked="" type="checkbox"/> Not Listed <input type="checkbox"/> Listed | | D2A3 | | | |
| Name and Address of (Last) Current U.S. Employer | | Type of Employment | | Salary | | From To | | | |
| Claimed none & none known... | | N/A | | \$ N/A hr | | N/A N/A | | | |
| Narrative (Outline particulars under which alien located/apprehended. Include details not shown above re time, place, manner of last entry and elements which establish administrative or criminal violation. Indicate means and route of travel to interior. Alien has been advised of communication privileges pursuant to 8 CFR 242.2(e). Initial _____ Date _____ ADVISED OF I-214 RIGHTS IN ENGLISH; FURNISHED LEGAL SERVICES FORM. | | | | | | | | | |
| On Tuesday - July 11, 1995, SUBJECT was encountered in receiving at the Washington State Corrections Center, Shelton, WA. SUBJECT stated that he was a native and citizen of Cambodia that he had lawful permanent resident (LPR) status in the USA for the past 13 years; and, that his last and only USA entry was in 1983, at San Francisco, CA., when SUBJECT traveled to the United States, via commercial airliner, and was granted entry as a refugee. Later, when I reviewed SUBJECT's "A" file, #A27 290 441, I found that SUBJECT is a native and citizen of Cambodia, and that SUBJECT was, in fact, admitted to the United States, on November 15, 1983, at San Francisco, CA., as a refugee. A review of SUBJECT's "A" file also revealed that, on June 19, 1986, SUBJECT was accorded the status of a LPR as of November 15, 1983. SUBJECT has neither applied for, nor has he received, United States citizenship. SUBJECT has not served in the United States armed forces. | | | | | | | | | |
| SUBJECT acknowledged that he was arrested by the police, on or about May 14, 1995, at Seattle, WA. Resulting from that arrest, SUBJECT was convicted on July 7, 1995, in the Superior Court of Washington for King County, for the offense of Assault in the First Degree. Although a special verdict/finding was not made (as part of the conviction record) that SUBJECT was armed with a deadly weapon, my review of court papers resulted in finding that SUBJECT had committed the assault, on the head of the victim, by striking the victim with a double-bladed axe. SUBJECT was sentenced to 105 months confinement. Copies of conviction documents were provided by WCC Shelton, to this investigator and have been <u>Donald G. Protteau</u> , Sp. Agent, INS-Seattle (Signature and Title) | | | | | | | | | |
| DISTRIBUTION | | TRD: 7-20-2003 | | Received (subject and documents) (report of interview) from | | | | | |
| 1 - File / #A27 290 441 | | | | Officer <u>Donald G. Protteau</u> | | | | | |
| 1 - Statistics / ACAP | | | | July 25, 1995 at () M | | | | | |
| 1 - Log | | | | Disposition <u>OSC/WA</u> | | | | | |
| 1 - Intelligence | | | | (Receiving Officer) <u>Donald G. Protteau</u> | | | | | |

| | | |
|---|----------------------------|-----------------------|
| Alien's Name BUOT, Vet (aka) BOUT, Vet (DOC #737154) | File Number A27 290 441 | Date July 25, 1995 |
|---|----------------------------|-----------------------|

Form I-213 Narrative / Page 2 (Continued)

retained in SUBJECT's file. (King County/Cause #95-1-03640-2)

SUBJECT has no other history of criminal violations or convictions. While SUBJECT claimed to have a 2-year-old, USC child, the child resides with the mother at Kirkland, WA., and SUBJECT does not contribute to the support of mother and child. SUBJECT does not have any brothers or sisters residing in the USA nor does have any other relatives in the USA. Outside of prison/jail, SUBJECT has no fixed address in the USA. His last address was 45 Front Street, Raymond, WA.

REC: OSC/WA - Aggravated Felon TRD: 7-20-2003

| | |
|---|--------------------------------------|
| Signature <u>Lonald D. Protteau</u> Lonald G. Protteau | Title Special Agent / INS-Seattle |
|---|--------------------------------------|

(Form I-213) 2 of 2 Pages

| | | |
|--|---------------------------|-----------------------|
| A Name BUOT, Vet (aka) BOUT, Vet (DOC #737154) | Office SEA | File A27 290 441 |
| Address c/o Washington State Corrections Center, POB 900, Shelton, WA., 98584 | telephone #(360) 426-4433 | Date July 25, 1995 |

FACTUAL ALLEGATIONS

1 You are not a citizen or national of the United States
 2 You are a native of Cambodia and a citizen of Cambodia
 3 You entered the United States at San Francisco, CA. on November 15, 1983
 4. At that time you entered as a refugee. (Date)
 X 5. On June 19, 1986, you were accorded the status of a permanent resident as of November 15, 1983.
 X 6. You were on July 7, 1995, convicted in the Superior Court of Washington for King County, for the offense of Assault in the First Degree. For that offense, the term of imprisonment was 105 months. Records contained in SUBJECT's "A" file..
 Supporting evidence is copies of conviction documents (King County/Cause #95-1-03640-2), I-213, I-214, &

B ADDITIONAL FACTORS TO BE CONSIDERED FOR BOND CUSTODY DETERMINATION

1 Is a petition application pending for this alien or family member? (explain)

No...

| | |
|--|------------------------------|
| 2 Total times apprehended No prior history of apprehensions... | Released o/r before No... |
| Bonded before? <u>No...</u> How many times? <u>N/A</u> | Complied with o/r <u>N/A</u> |
| Bond breached? <u>N/A</u> How many times? <u>N/A</u> | |

3 Present state of health of subject, of spouse or children (if other than good, explain)

Good...

4 To all time in US, dates and location, residing with (family members or others)
 Since 1983, SUBJECT has resided in the State of Washington. Last address prior to his commitment to prison was 45 Front Street, Raymond, WA., USA.

5 Personal property in US (liquid and non-liquid assets)

Any personal property will accompany SUBJECT...

6 Family members in US (wife, children, immediate relatives) address if different than subject

SUBJECT claimed to have a 2-year-old USC child who resides with the mother at an unknown address in Kirkland, WA. SUBJECT never married the child's mother. SUBJECT has no other relatives who reside in the USA.

7 Employment history (Other than current)

Claimed none & no history of employment known...

8 Other factors (e.g. false claim, attempted flight, unsupervised children at home, etc)
 AGGRAVATED FELON... Used a double-blade axe to strike victim in the head resulting in a crushed skull. SUBJECT has no ties to local community... No fixed address outside of prison...

| | | |
|---|---|--------------------------------------|
| C The undersigned recommends | <input type="checkbox"/> V/D without OSC <input checked="" type="checkbox"/> OSC Charge(s) /Coac) <u>D2A3</u> | (Page No) _____ |
| <input checked="" type="checkbox"/> Trial Attorney <input checked="" type="checkbox"/> Interpreter <u>Cambodian</u> (Language) | <input type="checkbox"/> Prosecution Violation | |
| <input checked="" type="checkbox"/> W/A For the following reasons likely to abscond ... Aggravated Felon... Supervisory Approval | <u>Ronald G. Protteau</u> Signature <u>PD</u> | Title <u>Sp. Agent / INS-Seattle</u> |
| | <u>PD</u> Signature | Title <u>SSA</u> |

D Approved as to legal sufficiency

8/23/95

(Date)

(Signature)

(Title)

(Office)

E Based on the above information I have set the following bond \$ 100 Bond

DD

Acting DD

DDD

ADDI

OIC

8-24-95

(Date)

(Signature)

(Office)

When alien named on this detainer is available for INS pick-up:
Mon-Fri 0800-1600 -- call #(206) 553-7716 or 553-7917 and, if possible, follow-up with copy of detainer (I-247) faxed to #(206) 553-2387. Before or After hours: call #(206) 467-6046 or #(206) 467-6030 and ask for Detention Duty Officer.

File No
A27 290 441
Date
July 26, 1995

| | |
|--|---|
| TO (Name, title and institution) RECORDS Washington State Corrections Center Post Office Box 900 Shelton, WA. 98584 telephone #(360) 427-4581 | FROM (INS Office Address) United States Immigration & Natz. Service Seattle District Office - Investigations 815 Airport Way South Seattle, WA. 98134 #(206) 553-7716 or #(206) 553-7917 |
|--|---|

| | | |
|---|-------------|-------------------------|
| Name of Inmate BUOT, Vet (aka) BOUT, Vet (DOC #737154) | | |
| Month, Day and Year of Birth 2-1-69 | Sex male | Nationality CAMBODIA |

YOU ARE ADVISED THAT THE ACTION NOTED BELOW HAS BEEN TAKEN BY THIS SERVICE CONCERNING THE ABOVE-NAMED INMATE OF YOUR INSTITUTION

Investigation has been initiated to determine whether this person is subject to deportation from the U S

An Order to Show Cause in deportation proceedings, a copy of which is attached, was served on _____, 19 ____

A warrant of arrest in deportation proceedings, a copy of which is attached, was served on _____, 19 ____

Deportation from the United States has been ordered.

IT IS REQUESTED THAT YOU:

Accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work and quarters assignments or other treatment which he would otherwise receive

Please complete and sign the bottom block of the duplicate of this form and return it to this office. A self-addressed franked envelope is enclosed for your convenience

Notify this office of the time of release at least 30 days prior to release or as much in advance as possible

Notify this office in the event of death or transfer to another institution.

Donald G. Protteau

Donald G. Protteau SEA-127

Signature

Special Agent / INS-Seattle

Title

Receipt acknowledged

7-26-95: FAX'd to WCC, Shelton, WA.

Probable date of release

Signature

Title

Protteau

Form 1-214
(Rev 8-1-73) HUNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File No. A27 290 441

WARNING AS TO RIGHTS

Before we ask you any questions, you must understand your rights

You have the right to remain silent

Anything you say can be used against you in court, or in any immigration or administrative proceeding

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signature

Date and hour 7/11/95 1535 Place Shelton, WA.

CERTIFICATION

I HEREBY CERTIFY that the foregoing Warning and Waiver were read by me to the above signatory, that he also read it and has affixed his signature hereto in my presence.

Immigration Officer Signature

Witness' Signature

None

English

Interpreter's Signature

Language

Interpreter's Address

INTERVIEW LOG

1. Person interviewed BUOT, Vet

2. Officer(s) Protteau

3. Place (exact address and identity of room) WCC, Bldg. C,
Receiving Area, Shelton, WA. 4. Date July 11, 1995

5. Exact Time/place of encounter or arrest 1535 PM WCC, Shelton, WA.

6. If transported from place of encounter to interrogation point, show exact time involved Not Transported
Note whether interrogation continued during transporting N/A

7. Officer making arrest and/or transporting subject Protteau

8. Time interview began 1535 PM 9. Time subject or suspect advised of right to remain silent and fact
any statement could be used against him in court and name of officer furnishing advice 1535 PM Protteau10. Time subject advised of right to presence of counsel,
retained or appointed and name of officer furnishing advice 1535 PM Protteau

11. Time questioning concluded 1550 PM 12. Time written statement commenced N/A

13. Person preparing statement N/A 14. Time statement completed N/A

15. Time statement reviewed by person interviewed N/A 16. Time statement signed N/A

17. Record of requests and complaints of subject and actions taken thereon None...

R014

10:16 TECS II EXTERNAL MESSAGE DISPLAY 072695 T2MD0610
 QUEUE TYPE: TERMINAL QUEUE NAME: Y27B T2PD0632

 MSG STATUS: NACK

***** TEXT OF MESSAGE ***** PAGE 02 *****
SUPERVISION/DOC OFFENDER.UPDATED/070395

DOC/735274

***** THIS IS NOT A WARRANT *****
***** DO NOT ARREST ON THIS INFORMATION *****

NAM/BUOT, VET DOB/020169

AKA/

LOCATION/WA COR CTR RC .CUSTODY STATUS/RESIDENT

SUPERVISION/INMATE .UPDATED/071195

DOC/737154

*** NO MORE DOC LOCATOR HITS ***

QW.WAINSSET1.BOUT, VET.020169
072695-071708

MESSAGE IS DISPLAYED. DEPRESS PF5(MSG INDEX) PF9(PREV SCRN) PF14(ACKD MSG)
PF16(NEXT MSG). PF19(MSG LOG) PF18=(REROUTE)

END OF THIS MESSAGE

(PF1=HELP) (PF3=MAIN MENU) (PF4=PREV MENU) (PF7=PREV PAGE) (PF8=NEXT PAGE)

DOC Locator

Ro13

13 40 TECS II EXTERNAL MESSAGE DISPLAY 060895 17000410
 121000.52
 QUEUE TYPE PERSONAL QUEUE NAME P4C4 SEQ ID 04
 DATE/ TIME 060895 131817 MSG STATUS NACK CIRCUIT
 ***** (XXXXXX) ***** (XXXXXX) ***** (XXXXXX) ***** (XXXXXX)
 FROM NCIC ON 06/08/95 AT 13 18 17 PAGE 01 ***** (XXXXXX)
 LO1CQUP4C404200042
 AINSRETO
 HIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
 INQUIRY ON NAM/BUOT,VLT SLX/H RAC/A DOR/020169 PUR/C

 NAME FBI NO. INQUIRY DATE
 BUOT,VLT 547127WA6 06/08/95

 LX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR BIRTH PLACE
 A 02/01/69 507 120 BRO BLK CAMBODIA/KAMPUCHEA

 INQUIRANT CLASS
 4 09 05 07 06
 8 11 02 05 04
 MESSAGE IS DISPLAYED. DEPRESS PF5 (MSG INDEX) PF9 (PRV SCR) PF14 (END MSG)
 PF16 (NEXT MSG), PF19 (MSG 100) PF18 (ROUTE)
 USE PF KEYS TO CONTINUE
 PF1 HELP (IT IS MAIN MENU) (PF4=PREV MENU) (PF7=PRV PAGE) (PF8=NEXT PAGE)

EBT

✓

R₀₁₂

13 41 1FC5 11 EXTERNAL MESSAGE DISPLAY 060895 1700610
QUFUE TYPE PERSONAL QUFUE NAME P4C4 SEQ ID 042
DATE/TIME 060895 131817 MSG STATUS NACK CIRCUIT
***** TEXT OF MESSAGE ***** PAGE 02 *****
SOCIAL SECURITY
60-77-8441

IDENTIFICATION DATA UPDATED 11/01/94

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING
WASHINGTON STA - STATE ID/WA17148257

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

ND

MESSAGE IS DISPLAYED. DEPRESS PF1(MSG INDEX) PF9(PREV SCRN) PF14(ACB MSG)
PF16(NEXT MSG) PF19(MSG LOG) PF18(ROUTE)

END OF THIS MESSAGE

PF1=HELP) (PF3=MAIN MENU) (PF4=PREV MENU) (PF7=PREV PAGE) (PF8=NEXT PAGE)

11 59 TECS II EXTERNAL MESSAGE DISPLAY 062791 T0MD0610
QUEUE TYPE PERSONAL QUEUE NAME PAGE 062791 T0MD0610
DATE / TIME 062791 144950 MSG STATUS NACK SEQ ID 692

FROM NLLTS ON 06/27/91 AT 14 49 50 CIRCUIT
PAGE 01

R.WA1110000
1 50 06/27/91 04652
1 50 06/27/91 07071 WA1UNSE10
CQU4CE692
XT
IDK/2L01CQU4CE692/00692
IN/BERO
THE FOLLOWING RECORD PERTAINS TO SID/WA17148257

PAGE 01

- WASHINGTON STATE CRIMINAL HISTORY -

NAME STATE ID NO. FBI NO. INQUIRY DATE
MESSAGE IS DISPLAYED. DITFESS PF5(MSG INDEX) PF9(PREV SCRN) PF14(ACKD MSG)
PF45(NEXT MSG) PF19(MSG LOG) PF10(CREROUTE)
USE PI KEYS TO CONTINUE
PF1(Help) (PF3=MAIN MENU) (PF4=PREV PAGE) (PF8=NEXT PAGE)

State of WA.

Criminal History Rob

14 59 TECN LI I XTERNAL MESSAGE DISPLAY 062795 TMD0310
12P30c 32

QUEUE TYPE PERSONAL QUEUE NAME PAGE SEQ ID 692
DATE/TIME 06/17/95 144950 MSG STATUS NACK CIRCUIT
***** TEXT (1) MESSAGE PAGE 02 *****
NOT. VI T WA17148257 541127WNS 06/17/95

SI Y RACE BIRTHDATE HGT WT EYES HAIR BIRTHPLACE
M 0 92-94 69 120 BL0 BLK C1

FINGERPRINT CLASSIFICATION 1/1 (NC10)

HISTORY STATUS N/O | LOCATION N/O | TYPE N/O

NON-VERIFIED CULTORY STATUS INFORMATION PROVIDED BY D.O.C.

ELONGATION DETAIL

MESSAGE IS DISPLAYED. DEPRESS PF5(MSG INDEX) PF9(PREV SCRN) PF14(ACKD MSG)
PF16(NEXT MSG). PF19(MSG LOG) PF18=(REROUTE)
USE PF KEYS TO CONTINUE
(PF1=HELP)(PF3=MAIN MENU)(PF4=PREV MENU)(PF7=PREV PAGE)(PF8=NEXT PAGE)

Roos

14 '99 TECS TT EXTERNAL MESSAGE DISPLAY 062795 12100630
QUEUE TYPE PERSONAL QUEUE NAME FACT SEQ ID 692
DATE / TIME 062795 144950 MSG STATUS NACK CIRCUIT

NAME BIRTHDATE SOC SEC MISC. NO SEX RAC
560-77-3444

SCARS, MARKS AND TATTOOS

NO KNOWN SCARS, MARKS AND TATTOOS DETAILS

OPEN FILE CONT. DETAILS

MESSAGE IS DISPLAYED. DIPREP3 PF5(MSG INDEX) PF9(PRLV SCRN) PF14(OLD MSG)
PF16(NEXT MSG), PF19(MSG LOG) PF18-(REFIDLE)
JSL PF KEYS TO CONTINUE
PF1 HELP (PF3=MAIN MENU) (PF4 PRLV MENU) (PF7=PREV PAGE) (PF8=NEXT PAGE)

15 00 TECS 11 EXTERNAL MESSAGE DISPLAY 062795 12M00610
 (FPD0632)

QUEUE TYPE PERSONAL QUEUE NAME PAGE SEQ ID 693
DATE/ITEM 062795 144950 MSG STATUS NACK CIRCUIT
TEXT OF MESSAGE PAGE 04

XXXXXX NO KNOWN APPRECIANT DETAILS XXXXXX

A R R E S T D E T A I L S

A R R E S T 01

ICA 179736 PN 000406287 DATE 08-18-94
AGENCY WAKCS0000 - KING CO SHERIFF'S OFFICE SEATTLE WA
ARREST NAME BUDI, VLT

O F F E N S E 01

MESSAGE IS DISPLAYED. DEPRESS PF5(MSG INDEX) PF9(PREV SCR) PF14(LAST MSG)
PF16(NEXT MSG) PF19(MSG LOG) PF18(CREROUTE)
USE PF KEYS TO CONTINUE
(PF1=HELP) (PF3=MAIN MENU) (PF4=PREV MENU) (PF7=PREV PAGE) (PF3=NEXT PAGE)

Root

15 00 TECS II EXTERNAL MESSAGE DISPLAY 062795 144950
 15 00 QUEUE TYPE PERSONAL QUEUE NAME PAGE SEQ ID 692
 15 00 DATE/TIME 062795 144950 MSG STATUS NACH CIRCUIT

QUEUE TYPE PERSONAL QUEUE NAME PAGE SEQ ID 692
 DATE/TIME 062795 144950 MSG STATUS NACH CIRCUIT
 ***** TEXT OF MESSAGE *****
 0135 - ASSAULT 4 - DU
 UNIQUE NUMBER 940273544 OFFENSE DATE 08 18 94
 JUVNL OFFENSE N DISPOSITION REL UNSTABILITY W0017081J

DISPOSITION

STATUS N/A DISPO DATE N/A - CAUSE N041645

ARREST ST - 02 DATE 08 14 94
 OCA M36159 PCN 00082216
 AGENCY WASPD0000 - SLATTE PD
 ARREST NAME RUOT, VET

OFFENSE OF
 01000 ASSAULT

MESSAGE IS DISPLAYED. DEPRESS PF5 (MSG INDEX) PF9 (PREV SCRNN) PF14 (ACCD MSG)
 PF16 (NEXT MSG), PF19 (MSG END) PF18 (EROUTE)
 USE PF KEYS TO CONTINUE
 (PF1-PI11) (PI3=MAIN MENU) (PF4 PRI V MENU) (PF7 PREV PAGE) (PF8 NEXT PAGE)

Root

15 00 TEC5 II EXTERNAL MESSAGE DISPLAY 062795 12MD0610
QUEUE TYPE PERSONAL QUIT NAME PAGE 10 692
DATE/TIME 062795 MSG STATUS NACK CIRCUIT
***** TEXT OF MESSAGE ***** PAGE 06 *****
UNIQUE NUMBER 950214522 OFFENSE DATE 05-14-95
JUVNI OFFENSE N DISPOSITION RESPONSIBILITY W00170130

D I S P O S I T I O N

D O C A C T I V I T Y
*** *** ***

*** NO KNOWN DOC ACTIVITY DETAILS ***

* THIS IS A SINGLE STATE OFFENDER RECORD

END OF RECORD

MESSAGE IS DISPLAYED. DEPRESS PF5(MSG INDEX), PF9(PREV SCRNY), PF14(NEXT MSG),

PF16(NEXT MSG), PF19(MSG LOG), PF18=(RT/ROUTE)

IF PF1 LYS TO CONTINUE

PF1 HIT F1(PF5=MAIN MENU)(PF4=PREV MNU)(PF7=PRV PAGE)(PF8=NEXT PAGE)

To be fed X'd
1-11-95 PL

7/11/95.

Grace,

Would you please rush order
this file for me from SFR 2 SUBJECT
is in jail and under investigation.
Fed Ex if SFR can do. Thanks

— Lon (SEA 127)

| CINSIN COMMAND | | IMMIGRATION AND NATURALIZATION SERVICE CENTRAL INDEX SYSTEM - DETAILED SEARCH DISPLAY | | | | | | 06/21/95 14 45 15 | |
|--|-------------------|--|-------------------|--------------------------|----------------------|-----------------------------------|--|----------------------|--|
| # 027290441 NAME: RUOT | | , VET | | | | DOB: 020169 | | | |
| LAST FTRST MIDDLE ALIASSES | RUOT VET | | | | | NATZ DATE COURT LOCATION | | | |
| SEX FCO FCO | POI SFR SFR | SFR L00 SFC01 | COB RE6 DF0 | KAMPU KAMPU 071184 | DOE 111583 WIN | FATHER MOTHER | | MOM MOM | |
| SSN -94 ADM # ANSPORT # FBI # DRIVER LIC INGER CD# | | CONSOLIDATED A-NOS | | | | --OTHER INFORMATION-- CARD X | | | |
| CLEAR EXIT PF7 NEXT SEARCH 10 REQUIRES A SPECIAL SECURITY CLASS. | | PF4 RETURN PF8 VIEW HISTORY | | PF5 HELP | | PF6 CIS MAIN MENU PF9 VIEW END | | PF10 NAMES | |

CIS ✓

Root

| | | | | | | |
|--|----------------------|-------------------------|----|----------------|------|------------------------|
| IMMIGRATION AND NATURALIZATION SERVICE CENTRAL INDEX SYSTEM - STATUS/HISTORY DATA | 06/27/95 14 45 54 | | | | | |
| 027290441 NAME RUOT | DOB 02/01/62 | | | | | |
| ACTION STATUS CHANGE | LOC SFR | ACTION-DATE 00/00/00 | ST | REASON/COURT # | MISC | KEYED-DATE 00/00/00 |
| STATUS CHANGE | SIR | 11/15/83 | | TR RE6 | | 08/01/86 |

CLEAR EXIT F14 RETURN F15 HELP F16 MENU

Roos

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK
LAST NAME NAM FIRST NAME MIDDLE NAME

FBI

LEAVE BLANK

BUOT, Vet

ALIASES

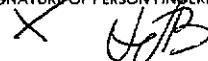
CONTRIBUTOR
OR

WAINSEED

USINS
SCATLLE, WADATE OF BIRTH DOB
Month Day Year
02 01 69

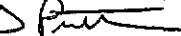
STATE USAGE

SIGNATURE OF PERSON FINGERPRINTED



THIS DATA MAY BE COMPUTERIZED IN LOCAL STATE AND NATIONAL FILES

DATE SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

7/11/95 

CHARGE

dep proc

FINAL DISPOSITION

DATE ARRESTED OR RECEIVED DOA

071195

YOUR NO OCA

A27 290 441

FBI NO FBI

547 127 WA6

SID NO SID

SOCIAL SECURITY NO SOC

560 77 8441

CAUTION

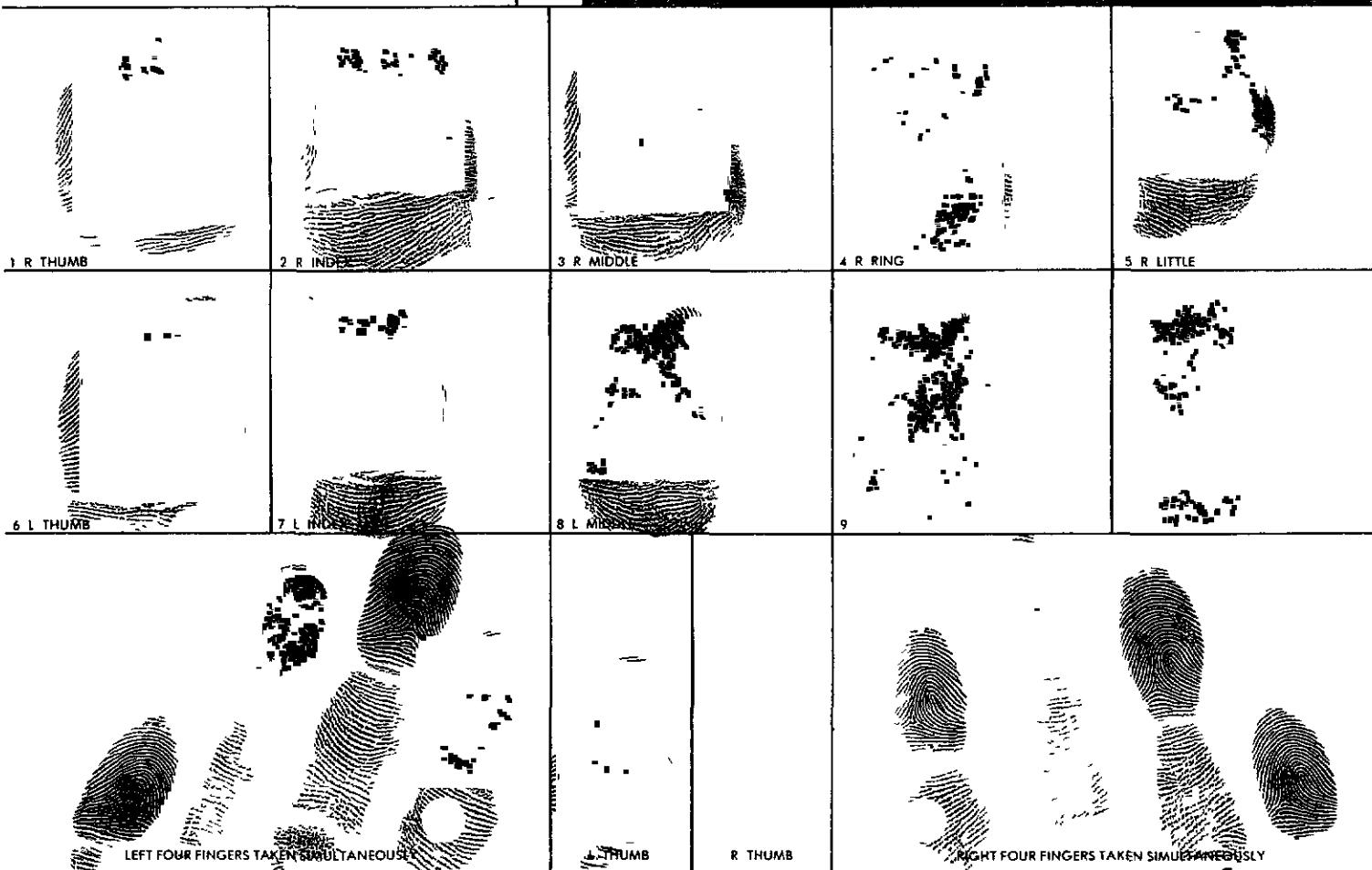
SEX RACE HGT WGT EYES HAIR
M W 67 120 bro blkPLACE OF BIRTH POB
CAMBODIA

LEAVE BLANK

CLASS

REF

NCIC CLASS - FPC



LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

11 R THUMB

R THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

Rooz

FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20537

| | | | |
|---|----------------------|--|---|
| PALM PRINTS TAKEN? | | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| PHOTO AVAILABLE? | | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| IF ARREST FINGERPRINTS SENT FBI PREVIOUSLY AND FBI NO UNKNOWN FURNISH ARREST NO _____ DATE _____ | | | |
| STATUTE CITATION (SEE INSTRUCTIONS NO 9) CIT 1 8 USC 1251 2 3 | | | |
| ARREST DISPOSITION SEE INSTRUCTION NO 5 ¹ ADN | | | |
| EMPLOYER IF US GOVERNMENT INDICATE SPECIFIC AGENCY IF MILITARY LIST BRANCH OF SERVICE AND SERIAL NO Claimed none & none known... | | | |
| OCCUPATION labor | | | |
| RESIDENCE OF PERSON FINGERPRINTED 45 Front Street, Raymond, WA., USA (last address prior to being committed to prison on 7-11-95) | | | |
| SCARS MARKS TATTOOS AND AMPUTATIONS SMT 1" scar at left elbow | | | |
| BASIS FOR CAUTION ICO | | | |
| DATE OF OFFENSE DOO 071195 | SKIN TONE SKN med | | |
| MISC NO MNU | | | |
| ADDITIONAL INFORMATION | | LEAVE BLANK | |
| <p style="text-align: center;">INSTRUCTIONS</p> <p>1 UNLESS OTHERWISE PROVIDED BY REGULATION IN YOUR STATE FINGERPRINTS ARE TO BE SUBMITTED DIRECTLY TO FBI IDENTIFICATION DIVISION FORWARD IMMEDIATELY FOR MOST EFFECTIVE SERVICE</p> <p>2 FINGERPRINTS SHOULD BE SUBMITTED BY <u>ARRESTING AGENCY ONLY</u> (MULTIPLE PRINTS ON SAME CHARGE SHOULD <u>NOT</u> BE SUBMITTED BY OTHER AGENCIES SUCH AS JAILS RECEIVING AGENCIES ETC) REQUESTS COPIES OF FBI IDENTIFICATION RECORD FOR ALL OTHER INTERESTED AGENCIES IN BLOCK BELOW GIVE COMPLETE MAILING ADDRESS INCLUDING ZIP CODE</p> <p>3 TYPE OR PRINT ALL INFORMATION</p> <p>4 NOTE AMPUTATIONS IN PROPER FINGER BLOCKS</p> <p>5 LIST FINAL DISPOSITION IN BLOCK ON FRONT SIDE IF NOT NOW AVAILABLE SUBMIT LATER ON FBI FORM R 84 FOR COMPLETION OF RECORD IF FINAL DISPOSITION NOT AVAILABLE SHOW PRE TRIAL OR ARRESTING AGENCY DISPOSITION e.g. RELEASED NO FORMAL CHARGE BAIL TURNED OVER TO IN THE ARREST DISPOSITION BLOCK PROVIDED ON THIS SIDE</p> <p>6 MAKE CERTAIN ALL IMPRESSIONS ARE LEGIBLE FULLY ROLLED AND CLASSIFIABLE</p> <p>7 CAUTION CHECK BOX ON FRONT IF CAUTION STATEMENT INDICATED BASIS FOR CAUTION (ICO) MUST GIVE REASON FOR CAUTION e.g. ARMED AND DANGEROUS SUICIDAL ETC</p> <p>8 MISCELLANEOUS NUMBER (MNU) SHOULD INCLUDE SUCH NUMBERS AS MILITARY SERVICE PASSPORT AND/OR VETERANS ADMINISTRATION 'IDENTIFY TYPE OF NUMBER'</p> <p>9 PROVIDE STATUTE CITATION (IDENTIFYING SPECIFIC STATUTE (example PL for PENAL LAW) AND CRIMINAL CODE CITATION INCLUDING ANY SUB SECTIONS</p> <p>10 ALL INFORMATION REQUESTED IS ESSENTIAL</p> <p>11 PRIVACY ACT OF 1974 (PL 93-579) REQUIRES THAT FEDERAL STATE OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY BASIS OF AUTHORITY FOR SUCH SOLICITATION AND USES WHICH WILL BE MADE OF IT</p> <p>REPLY DESIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> (REPLY WILL BE SENT IN ALL CASES IF SUBJECT FOUND TO BE WANTED)</p> <p>IF COLLECT WIRE OR COLLECT TELEPHONE REPLY DESIRED INDICATE HERE (WIRE SENT ON ALL UNKNOWN DECEASED)</p> <p>WIRE REPLY <input type="checkbox"/> TELEPHONE REPLY <input type="checkbox"/> TELEPHONE NO AND AREA CODE <input type="checkbox"/></p> <p>SEND COPY TO NAME ORI NUMBER AND ADDRESS</p> | | | |

Rob 1

FEDERAL PUBLIC DEFENDER
Western District of Washington

February 19, 2003

FILE

District Director
Immigration and Naturalization Service
815 Airport Way South
Seattle, Washington 98134

Re: Vet Buot, INS #A 27-290-441
Buot v. Ashcroft, W.D.Wa. Case #C03-289L

Dear District Director

I have been appointed by the district court to represent the above-noted individual in his habeas corpus petition challenging his ongoing detention by the Immigration and Naturalization Service (INS).

I am writing to request that the INS release Mr. Buot to the community pursuant to your inherent authority over aliens facing final orders of deportation, and pursuant to the Memorandum for Regional Directors from Michael A. Pearson, Executive Associate Commissioner, Office of Field Operations, dated February 3, 1999.

I do not know if Mr. Buot has previously made such a request, as I have not yet had the opportunity to review his administrative file. Whether or not he has, please treat this as a new, specific request for release from detention.

I wish to emphasize that we are making this request in a good faith effort to settle the above-noted habeas case. We are not making this request under any belief that such a request is a necessary step to exhaust administrative remedies. Specifically, we believe that Mr. Buot's detention of several years, with no reasonable expectation that his deportation order will be executed in the foreseeable future, is unlawful, and that further attempts to obtain his release administratively are not required under the exhaustion doctrine before reaching the merits of his habeas petition. As noted above, however, we are interested in settling his case, and his release by the Service would obviously accomplish this by mooting his petition.

Lo41

INS District Director

February 19, 2003

Page 2

We therefore request that an administrative review interview be held at FDC SeaTac, 2425 S 200th St., SeaTac, WA, and that such a hearing take place upon notice to Mr. Buot and counsel, and in the presence of counsel

Upon receipt of this request, please notify my office of the earliest time available to schedule such a hearing. Thank you for your attention to this matter.

Very truly yours,


JWS

Jay W Stansell
Assistant Federal Public Defender

Michelle Sweet
Staff Attorney

Lot 40

03/18/03
FILED 02/18/03
ENTERED
LODGED
RECEIVED
FEB 18 2003 DM



CV 03-00289 #00000007

AT SEATTLE
CLARK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPT. 7

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUOT VET,

Petitioner,

CASE NO C03-0289L

v

JOHN D. ASHCROFT, *et al*,

Respondents.

ORDER FOR SERVICE,
AND FOR RETURN AND
STATUS REPORT

Petitioner has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his detention by the Immigration and Naturalization Service ("INS"). It is therefore
ORDERED

(1) The Clerk shall arrange for service upon William Johnston, the Acting District Director of the Immigration and Naturalization Service in Seattle, upon the United States Attorney General in Washington, D.C., and upon the civil process clerk of the United States Attorney for the Western District of Washington of copies of the Petition, of all documents in support thereof, and of this Order by registered or certified mail, return receipt requested. The Clerk shall also direct copies of this Order to the Federal Public Defender and the Office of Immigration Litigation in Washington, D.C.

ORDER FOR SERVICE AND
STATUS REPORT
PAGE - 1

7

Lo39

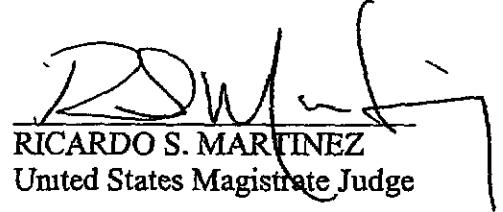
1 (2) Petitioner alleges, *inter alia*, that his detention is unlawful because the I.N.S. is
2 unable to effectuate his removal to Cambodia in the reasonably foreseeable future. Given this
3 allegation, the government is directed to submit evidence directed principally at the issue of
4 petitioner's "entry" into the United States and the likelihood of his removal, in a Return and
5 Status Report (RSR) showing cause why the Petition should not be granted. The RSR shall be
6 filed not later than thirty (30) days prior to the expiration of the six month presumptively
7 permissible period of detention, as set forth by the Supreme Court in *Zadvydas v. Davis*, 121 S.
8 Ct. 2491 (2001).

9 According to the Petition, the six month period in this case will expire on or about April
10 17, 2003. Therefore, the RSR shall be filed no later than March 17, 2003.

11 (3) Counsel for petitioner may file a reply to the RSR within seven (7) business days of
12 receipt of the RSR

13 (4) The Clerk is directed to also send a copy of this Order to the Honorable Robert S.
14 Lasnik.

15 DATED this 18 day of February, 2003.

16 
17 RICARDO S. MARTINEZ
18 United States Magistrate Judge

19
20
21
22
23
24
25 ORDER FOR SERVICE AND
26 STATUS REPORT
PAGE - 2

1038

FILED
LODGED
ENTERED
RECEIVED

FEB 10 2003 DM

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

1 Vet Buot
2 Reg. No. 20378-461
3 FDC SeaTac
4 P.O. Box 13900
5 SeaTac, WA 98198

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON

10 Vet Buot,
11 A# 27-290-441

12) NO. CIV 603-0289 L
13) PETITION FOR WRIT OF HABEAS
14) CORPUS BY A PERSON IN FEDERAL
15) CUSTODY PURSUANT TO 28 U.S.C.
16) § 2241
17)

Petitioner,

v.

13 JOHN D. ASHCROFT, Attorney
14 General; UNITED STATES
15 IMMIGRATION AND NATURALIZATION
16 SERVICE, and INS District
17 Director, Seattle District,

Respondents.

18 1. Name and location of place of confinement:
19 Federal Detention Center, SeaTac, 2425 S. 200th Street, SeaTac,
20 Washington 98198, pursuant to a contractual arrangement with my
custodian, the INS District Director at Seattle, Washington.

21 2. Name and location of court causing confinement:

22 INS District Director, Seattle, Washington.

23 3. Case Name and Number: [INS file number, if known]
24 A# 27-290-441

25 4. Date of judgment of conviction: [Date of Order of Confinement]
26 INS Order of Deportation: May 13, 1996;
INS Custody: October 17, 2002

27 5. Sentencing Date: N/A

6. Sentence: N/A

7. Sentencing Judge: N/A

8. Nature of offense or offenses for which you were convicted: N/A

9. What was your plea: N/A

10. Kind of trial: N/A

11. Did you testify at trial? N/A

12. Did you appeal from the judgment of conviction or sentence? **NO**

[Any administrative review?]

13. If you did appeal, list the court to which you appealed:

(a) Name of Court: [or administrative tribunal]:

(b) Results

(a) Data of Results

14. Did you seek any further review? NO

15. List the court(s) to which you sought further review?

(a) Name of Court: [or administrative tribunal]:

(b) Nature of Review:

(c) Results

(a) Name of court: [or administrative tribunal]:

(b) Nature of Review:

(c) Results

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to your confinement in any court, state or federal?

In
Na

1 17. GROUNDS FOR RELIEF:

2 A. My indefinite detention by respondent INS is in violation of my
3 rights to procedural and substantive due process, as guaranteed by
the Fifth Amendment to the United States Constitution.

4 B. My indefinite detention by respondent INS is in violation of
5 the six-month limitation set forth in former 8 U.S.C. §§ 1252(c)
and (d).

6 C. The substantive provisions of AEDPA and IIRIRA may not,
7 consistent with their terms and with due process requirements, be
given retroactive effect in my case.

8 D. Because I am seeking relief related only to my custody status,
9 which is not inconsistent with an order of deportation, exhaustion
of administrative remedies, if any, is not required.

10 E. My detention is unconstitutional, because I am not a flight
risk, and I do not present a danger to society.

11 F. My detention is unconstitutional, because I am not an
12 aggravated felon.

13 G. My indefinite detention is unlawful because the INS has no
14 statutory authority pursuant to 8 U.S.C. § 1231(a)(6) to
15 indefinitely detain me, because my removal cannot be effectuated
in the foreseeable future. Zadvydas v. Davis, 121 S.Ct. 2491 (U.S.
June 28, 2001) (No. 99-7791).

16 H. I was taken into INS custody on October 17, 2002. I was
17 previously ordered deported to Cambodia on May 13, 1996. I have
18 been in INS custody with a final order of deportation since
19 October 17, 2002. As of today's date, the INS has not been able
to effectuate my removal. I have done everything the INS has
asked of me to try to get travel documents, and will cooperate
fully in any requests that they have for information that will
help that process.

20 I.

21 J.

23 18. Do you have any petition or appeal now pending in any court or
24 administrative body as to the claims raised above?

25 NO

26 19. Have you exhausted your administrative remedies with respect to
27 the claims raised above?

28 See 17(D), above. Yes

1 20. State the administrative remedies that you pursued?

2 (a) Nature of Review:

3 (b) Result:

4 (a) Nature of Review:

5 (b) Result:

6 (a) Nature of Review:

7 (b) Result:

8 21. Give the name and addresses, if known, of each attorney who
9 represented you in the following stages of the underlying
judgment:

10 (a) At preliminary hearing: N/A

11 (b) At arraignment and plea: N/A

12 (c) At change of plea: N/A

13 (d) At trial: N/A

14 (e) At sentencing: N/A

15 (f) On appeal: N/A

16 (g) In any post-conviction proceedings: N/A

17 (h) On appeal from any adverse ruling in post conviction
18 proceedings: N/A

19 (i) Other:

20 (j) Other:

21 22. Do you have any future sentence to serve after you complete the
22 sentence imposed by the underlying judgment in your case?

23 NO

23 23. If you are seeking leave to proceed in forma pauperis, have
24 you completed the sworn affidavit setting forth the required
information?

25 Yes.

1

PRAYER FOR RELIEF

2 Based upon the illegal and unconstitutional actions listed above,
3 I request that the Court grant my petition and direct respondent to
4 release me from custody, as well as any other relief to which I may be
5 entitled in this proceeding under 28 U.S.C. § 2241.

6 I verify, under penalty of perjury, that the foregoing information
7 is true and correct to the best of my recollection.

8 Dated: 01-24-03, 2003.

9

Respectfully submitted,

10

11

[SIGN NAME]

12

Vet Buot
No. 20378-461
FDC SeaTac
P.O. Box 13900
SeaTac, WA 98198-1090

13

14

In Propria Persona

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February 10, 2003

FEB 18 2003 DM

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

The Honorable Magistrate Judge
304 U.S. Courthouse,
1010 Fifth Avenue
Seattle, Washington 98104

FILED
LODGED
ENTERED
RECEIVED

FEB 10 2003 DM

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

Re: Vet Buot, A 27-290-441

Dear Magistrate Judge:

C03-0289 L

We have conducted an initial review of Vet Buot's habeas corpus petition. It appears his case falls within the group of petitions challenging the statutory authority of the INS to detain him pursuant to Zadvydas v. Davis, 121 S.Ct. 2491 (U.S. June 28, 2001) (No. 99-7791). In addition, Mr. Buot challenges the constitutionality of indefinite INS detention.

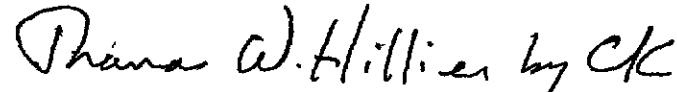
As Mr. Buot has set forth in his habeas petition, his case is controlled by Zadvydas v. Davis, 121 S.Ct. 2491 (U.S. June 28, 2001) (No. 99-7791).

- Mr. Buot was ordered deported to Cambodia on May 13, 1996. He was then taken into INS custody on October 17, 2002.
- Therefore his order of deportation became final on May 13, 1996, and the 90-day removal period expired on or about January 17, 2003. Mr. Buot's deportation to Cambodia is not reasonably likely to occur within the reasonably foreseeable future because Cambodia is repatriating fewer than 50 deportees a year.

Based on these facts, our office believes that the INS does not have the statutory or constitutional authority to detain Mr. Buot because his case is governed by Zadvydas v. Davis and thus his continued detention is unlawful.

Should Mr. Buot qualify financially, we would welcome the opportunity to assist him in pursuing his claims for relief. Thank you.

Very truly yours,



Thomas W. Hillier, II
Federal Public Defender



CV 03-00289 #00000004

cc: Christopher Pickrell, AUSA
Colleen Allen, Pro Se Law Clerk

L032

NOTICE OF ENTRY OR APPEARANCE AS ATTORNEY OR REPRESENTATIVE

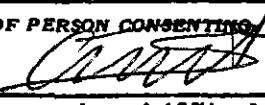
| | |
|--------------------------------|--------------------------|
| In re: Buot v. Ashcroft | DATE 2/10/03 |
| | FILE No. A 27-290-441 |

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

| | | | | |
|---------------------------|--|--|---------|------------|
| NAME Vet Buot | <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary | <input type="checkbox"/> Applicant <input type="checkbox"/> | | |
| ADDRESS (Apt. No.) CSC | (Number & Street) | (City) | (State) | (ZIP Code) |
| NAME CSC | <input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary | <input type="checkbox"/> Applicant <input type="checkbox"/> | | |
| ADDRESS (Apt. No.) | (Number & Street) | (City) | (State) | (ZIP Code) |

Check Applicable Item(s) below:

| | |
|---|---|
| <input checked="" type="checkbox"/> 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia Washington State (Name of Court) _____ and am not under a court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law. | |
| <input type="checkbox"/> 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board | |
| <input type="checkbox"/> 3. I am associated with _____ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.) | |
| <input type="checkbox"/> 4. Others (Explain fully.) | |
| SIGNATURE  | COMPLETE ADDRESS Federal Public Defender 1111 Third Avenue, Suite 1100 Seattle, WA 98101 |
| NAME (Type or Print) Michelle Sweet | TELEPHONE NUMBER (206) 553-1100 |

| | | |
|--|--|------------------|
| PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS. <u>Jay W. Stansell</u> ; <u>or others at Federal Public Defender</u> (Name of Attorney or Representative) _____ | | |
| THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER: All immigration and INS detention matters | | |
| NAME OF PERSON CONSENTING <u>BUOT, VST</u> | SIGNATURE OF PERSON CONSENTING  | DATE 01-24-03 |
| (NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.) | | |



ROYAL EMBASSY OF CAMBODIA
TO THE UNITED STATES OF AMERICA
WASHINGTON, D.C.

August 5, 1996

Mr George L Morones
Assistant District Director
US Immigration and
Naturalization Service
Office of Detention & Deportation
P O Box 3222
Seattle, Washington 98114

Dear Mr Morones

I have the honor to acknowledge receipt of your letter dated July 19, 1996, regarding the deportation and the issuance of a travel document for Vet Buot (A27 290 441), who is currently in the custody of the Immigration and Naturalization Service in Seattle, Washington

The Government of the United States of America and the Royal Government of Cambodia have not yet negotiated an agreement to cover the deportation and return of former Cambodian citizens to Cambodia. I regret to inform you that the Royal Embassy of Cambodia is, therefore, not authorized to issue travel documentation for Vet Buot.

Please accept, Mr Morones, the assurances of my highest consideration

A handwritten signature in black ink, appearing to read "Chhea Phany".

Chhea Phany
2nd Secretary and Consul

REVIEWED
DETOINMENT & DEPORTATION
96 AUG 13 AM 7:49
U.S. IMMIGRATION SERVICE
SEATTLE, WASHINGTON
6036

IMMIGRATION AND NATURALIZATION SERVICE
OFFICE OF DETENTION AND DEPORTATION
P.O. Box 3222
Seattle, Washington 98114

The Cambodian Consulate
4500 16th Street NW
Washington, D.C. 20011

July 19, 1996

re: A27 290 441

Dear Sir:

Vet Buot aka Vet Bout, native and citizen of Cambodia, is in the custody of the Immigration and Naturalization Service. He is under deportation proceedings and has been ordered deported from the United States by the Immigration Judge. Therefore, it is respectfully requested that a travel document be issued to facilitate his return to Cambodia.

Attached are documents that your office has requested. Your expeditious handling of this matter of mutual interest is greatly appreciated.

If additional information is needed, please call Detention & Deportation Officer(s) Thomas Sebens or Ken Hamilton 206-553-5948.

Sincerely,

George L. Morones
George L. Morones CM
Assistant District Director
Detention & Deportation

Pkg consisted of
Judge's Order -
OSI
213
BIO Inf.

Lo29



Executive Office for Immigration Review

Office of the Immigration Judge

4649

1000 Second Avenue, Suite 2500
 Seattle, Washington, 98104

DATE: May 21, 1996

FILE NO. A27 290 441

Vet BUOT, Inmate No: 737154
 c/o Tana Wood, Superintendent
 Washington State Penitentiary
 P. O. Box 520
 Walla Walla, Washington 99362

IN THE MATTER OF: VET BUOT

Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals on or before June 3, 1996, by returning to the Immigration Court, a copy of the enclosed Form EOIR-26, Notice of Appeal, with a certificate of service, and with proof that a fee of one hundred ten dollars (\$110.00) has been paid to the Immigration and Naturalization Service.

* Send the appeal to EOIR, Immigration Court, 1000 Second Avenue, Suite 2500, Seattle, WA 98104.

* PLEASE NOTE: FEES ARE NOT ACCEPTED BY THE IMMIGRATION COURT! If appeal is being handled by an attorney, s/he must also submit a Form EOIR-27.

Sincerely,

Arlean F. Fay
 Clerk, EOIR

cc: Gregory E. Fehlings, Deputy District Counsel
 Immigration & Naturalization Service
 P. O. Box 3324
 Seattle, WA 98114

Lo28

Judge Anna Ho

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
1000 SECOND AVENUE, SUITE 3150
SEATTLE, WASHINGTON 98104

In the Matter of)
) File No A27 290 441
Vet Buot,)
) MEMORANDUM OF LAW
Respondent)
_____)

The Respondent is currently scheduled for a hearing on his application for relief under Section 212(c) of the Immigration and Nationality Act. INS submits that the Respondent is no longer eligible for relief because Section 440 of the Antiterrorism and Effective Death Penalty Act, Pub. L. 104-132, 110 Stat. 1214 (April 24, 1996), rendered Section 212(c) inapplicable to the Respondent. Respondent has been convicted of aggravated assault with an axe and sentenced to 105 months confinement. Because aggravated assault is a crime of violence, he has been convicted of an aggravated felony. He has committed a criminal offense covered in Section 241(a)(2)(A)(iii) of the Immigration and Nationality Act. Respondent has already admitted the allegations and charges of deportability related to this subsection of Section 241 of the INA. INS has also submitted the Respondent's record of conviction. The Antiterrorism and Effective Death Penalty Act (AEDPA) makes 212(c) relief unavailable to aliens who have committed any criminal offense covered by this section of the Immigration and Nationality Act.

Section 440 of the AEDPA eliminates the availability of Section 212(c) relief to an alien who is deportable "by reason of having committed any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i) "

The President signed AEDPA into law at 3:05 p m , EST, April 24, 1996. Although many provisions amending the Immigration and Nationality Act contain effective dates, others do not--including section 440. Where an act is silent as to the effective date of a provision, the

Lo27

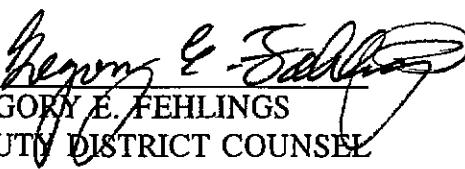
effective date is the date that it was signed by the President. United States v. King, 948 F.2d 1227 (11th Cir. 1991), Demars v. First Service Bank for Savings, 907 F.2d 1237 (1st Cir. 1990); United States v. York, 830 F.2d 885 (8th Cir. 1987). Therefore, AEDPA became effective at the time of signature, 3:05 p.m., EST, on April 24, 1996. United States v. Casson, 434 F.2d 415, 417 (D.C. Cir. 1970).

The amended law is applicable to this case, and to all pending cases involving applications for Section 212(c) relief. When a law is changed before a decision is handed down by an administrative agency, the agency must apply the new law. See Ziffren v. United States, 318 U.S. 73 (1943); Urbina-Mauricio v. INS, 989 F.2d 1085, 1088 n. 4 (9th Cir. 1993), Talanoa v. INS, 397 F.2d 196, 200 (9th Cir. 1968). Specifically, an application for admission to the United States is a continuing application, and admissibility is determined on the basis of the facts and the law at the time the application is finally considered. Matter of Alarcon, 20 I&N Dec. 557 (BIA 1992), Matter of Kazemi, 19 I&N Dec. 49 (BIA 1984); Matter of K-, 9 I&N Dec. 143 (S.I.O., BIA 1959, A.G. 1961), aff'd sub nom. Klapholz v. Esperdy, 201 F.Supp. 294 (S.D.N.Y. 1961). Similarly, in deportation proceedings, "[a]n application for relief from deportation is an ongoing application and the law to be applied to that application is that existing at the time the final administrative decision is made" Matter of U-M-, 20 I&N Dec. 327, 332 (BIA 1991), aff'd sub nom. Urbina-Mauricio v. INS, 989 F.2d 1085 (9th Cir. 1993), Matter of A-A-, 20 I&N Dec. 492, 501 n. 21 (BIA 1992). "In deportation proceedings, a final administrative decision does not exist until the Board renders its decision in the case on appeal or certification, or, where no appeal to the Board is taken, when the right to appeal is waived, or the time allotted for appeal has expired" Matter of Alarcon, 20 I&N Dec. at 652. See Matter of Lok, 18 I&N Dec. 101 (BIA 1981), aff'd on other grounds sub nom. Lok v. INS, 681 F.2d 107 (2d Cir. 1982). The amended version of Section 212(c) applies to this case and all cases pending.

Thus, for the reasons stated, the Respondent is ineligible for relief under Section 212(c) of the Immigration and Nationality Act.

United States Department of Justice
Immigration & Naturalization Service

Date May 6, 1996

By 
GREGORY E. FEHLINGS
DEPUTY DISTRICT COUNSEL
INS LITIGATION SECTION
POST OFFICE BOX 3324
SEATTLE, WASHINGTON 98114
(206) 553-5917

CERTIFICATION

I hereby certify that the foregoing document was mailed, postage prepaid, this date, to:

Vet Buot
Inmate No 737154
Washington State Penitentiary
Walla Walla, WA. 99362

Date: May 6, 1996

By. *Gregory E. Fehlings*
GREGORY E. FEHLINGS
INS DEPUTY DISTRICT COUNSEL
POST OFFICE BOX 3324
SEATTLE, WA 98114

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SEATTLE, WASHINGTON

File: A 27290441

Date of Notice: 4/24/96

To: W.H. BLODGETT

Inmate No: 137154

NOTICE OF HEARING IN DEPORTATION PROCEEDINGS

You are hereby notified that a hearing in this case is scheduled before an Immigration Judge on

Sept 05, 1996 at 10:00 AM at the

U.S. Courthouse

1111 Wall Street

You may be represented in this proceeding at no expense to the Federal Government by an attorney or other individual authorized to represent persons in these proceedings. Your attorney or representative should appear with you at the scheduled hearing. Enclosed with this notice is a Form EOIR 28, Notice of Entry of Appearance as Attorney or Representative, which your attorney or representative must present at the hearing, or preferably, file in advance with the

IMMIGRATION COURT
1000 SECOND AVENUE, SUITE 2500
SEATTLE, WASHINGTON 98104-1046

ANYONE EXPECTING TO ENTER THE FACILITY IN ORDER TO APPEAR AT THE IMMIGRATION HEARING IS SUBJECT TO CORRECTIONS DEPARTMENT POLICIES AND PROCEDURES REGARDING ENTRY. CONTACT THE SECURITY OFFICE AT THIS PRISON IN ADVANCE OF THE DAY OF THE HEARING FOR FURTHER SPECIFIC INFORMATION ABOUT ENTRY GUIDELINES.

FOR INFORMATION REGARDING THE STATUS OF YOUR CASE, CALL TOLL FREE 1-800-898-7180.

Enclosure: Form EOIR 28

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
Seattle, Washington

File No.: A 27 290 441

May 13, 1996

In the Matter of) ORDER RE
VET BUOT,) DEPORTATION PROCEEDINGS
Respondent)

CHARGE: Section 241(a)(02)(A)(iii), I&N Act [8 U.S.C.
Section 1251(a)(2)(A)(iii)] conviction of an
aggravated felony

APPLICATION: Section 212(c), Waiver of Excludability

IN BEHALF OF RESPONDENT:

Vet Buot, Pro Per

IN BEHALF OF INS:

Gregory E. Fehlings, Esq.
P.O. Box 3324
Seattle, WA 98114

ORDER OF THE IMMIGRATION JUDGE

Respondent entered the United States as a refugee at or near San Francisco, California on or about November 15, 1983. On June 19, 1986, respondent adjusted to a permanent resident as of November 15, 1983. The Immigration and Naturalization Service (hereinafter "INS") issued an Order to Show Cause (hereinafter "OSC") on July 25, 1995, charging Respondent with deportability pursuant to Section 241(a)(02)(A)(iii) of the Immigration and Nationality Act (hereinafter "The Act"), for an aggravated felony. (Exhibit 1)

On July 7, 1995, the respondent was convicted in the State of

Washington, of Assault in the First Degree. For that offense, respondent received a term of imprisonment for 105 months. (See Exhibit 1)

At deportation proceedings on December 7, 1995, the respondent conceded service of the charging document, admitted the allegations of fact and conceded deportability as charged in the Order to Show Cause. Based upon these admissions, I find that deportability has been established by clear, convincing and unequivocal evidence. Woodby v. INS, 385 U.S. 276 (1966); 8 C.F.R. 242.14(a). The Respondent did not designate a country of deportation. The Court designates Cambodia as a country of deportation, should that become necessary, since that is the country of respondent's nativity and citizenship. However, the respondent has requested relief available pursuant to Section 212(c) of the Act. Respondent submitted the Form I-191 on April 24, 1996 which is marked as Exhibit 2.

On May 7, 1996, the INS filed a Memorandum of Law in this case. The INS submits that the Respondent is no longer eligible for relief because Section 440 of the Antiterrorism and Effective Death Penalty Act, Pub. L. 104-132, 110 Stat. 1214 (April 24, 1996) rendered Section 212(c) inapplicable to the Respondent. Respondent has been convicted of aggravated assault with an axe and sentenced to 105 months confinement. Because aggravated assault is a crime of violence, he has been convicted of an aggravated felony. He has committed a criminal offense covered in Section 241(a)(2)(A)(iii) of the Immigration and Nationality Act. Respondent has already

admitted the allegations and charges of deportability related to these subsections of Section 241 of the INA. The Antiterrorism and Effective Death Penalty Act (hereinafter "AEDPA") makes 212(c) relief unavailable to aliens who have committed any criminal offense covered by these sections of the Immigration and Nationality Act. (Exhibit 3A)

STATEMENT OF LAW

On April 24, 1996, the President of the United States, signed the Antiterrorism and Effective Death Penalty Act, (hereinafter "AEDPA") Pub. L. 104-132, 110 Stat. 1214. Section 440 of the AEDPA rendered 212(c) relief inapplicable to the respondent.

The amended Section 212(c) states as follows:

"Aliens lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation, and who are returning to a lawful unrelinquished domicile of seven consecutive years, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) other than paragraphs (3) and (9)(C)). Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion vested in him under Section 211(b). This subsection shall not apply to an alien who is deportable by reason of having committed any criminal offenses covered in Section 241(a)(2)(A)(iii), (B), (C), or (D), or any offense covered by Section 241(a)(2)(A)(ii) for which both predicate offenses are covered by Section 241(a)(2)(A)(i)." [Emphasis added]

Section 440 of the AEDPA eliminates the availability of Section 212(c) relief to an alien who is deportable "by reason of having committed any criminal offense covered in Section 241(a)(2)(A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are

covered by Section 241(a)(2)(A)(i)."

The Amended Section 212(c) specifically states that the section is "effective for applications adjudicated after the date of enactment of the AEDPA." [Emphasis added] [Amended by AEDPA, Sections 431 and 441] The construction of this section must be by the plain meaning of the words "applications adjudicated after the date of enactment of the AEDPA". In all cases involving statutory construction, the starting point must be the language employed by Congress. The courts have always held "that the legislative purpose is expressed by the ordinary meaning of the words used." American Tobacco Co. v. Patterson, 456 U.S. 63, 102 S.Ct. 1534 (1982), Reiter v. Sonotone Corp, 442 U.S. 330, 337, 99 S.Ct. 2326 (1979), INS v. Phinpathya, 464 U.S. 183, 188, 104 S.Ct. 584 (1984).

Since Congress specifically provided for the effective date of Section 212(c) relief to be applicable for applications adjudicated after the date of enactment of the AEDPA, respondent is ineligible for this relief, since the application is being adjudicated after April 24, 1996.

The respondent has committed a criminal offense covered in Section 241(a)(2)(A)(iii) [aggravated felony]. The AEDPA makes 212(c) relief unavailable to aliens who have committed any criminal offense covered by these sections of the Immigration and Nationality Act.

The amended law is applicable in this case, and to all cases where the 212(c) relief has yet to be adjudicated. When a law is

changed before a decision is handed down by an administrative agency, the agency must apply the new law. See Ziffren v. United States, 381 U.S. 73 (1943); Urbina-Mauricio v. INS, 989 F.2d 989, 1985, 1088 n.4 (9th Cir. 1993); Talanoa v. INS, 397 F.2d 196, 200 (9th Cir. 1968). Specifically, an application for admission to the United States is a continuing application, and admissibility is determined on the basis of the facts and the law at the time the application is finally considered. Matter of Alarcon, 20 I&N Dec. 557 (BIA 1992). Similarly, in deportation proceedings, "[a]n application for relief from deportation is an ongoing application and the law to be applied to the application is that existing at the time the final administrative decision is made." Matter of U-M-, 20 I&N Dec. 327, 332 (BIA 1991) aff'd sub nom Ubrina-Mauricio v. INS, 090 F.2d 1085 (9th Cir. 1993); Matter of A-A-, 20 I&N Dec. 492, 501 n. 21 (BIA 1992).

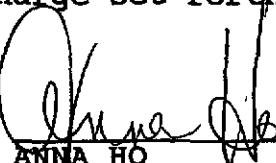
Section 212(c) by its terms applies to lawful permanent residents (LPR) who have proceeded abroad and who are returning to this country. Congress has clearly removed availability of the 212(c) waiver to "an alien who is deportable by reason of having committed any offense covered" by certain grounds of deportability.

Accordingly, the Court finds that the respondent is deportable and no issues remain before the Court. Respondent is ineligible to file a waiver under the Amended Section 212(c).

ORDER

IT IS HEREBY ORDERED that the Respondent's request to file an application for a waiver under Section 212(c) be pretermitted.

IT IS FURTHER ORDERED that respondent be deported from the United States to Cambodia on the charge set forth in the Order to Show Cause.


ANNA HO
Immigration Judge

**CERTIFIED
COPY**

FILED

1995 MAY 17 PM 3:50

1 KING COUNTY
2 SUPERIOR COURT CLERK
3 SEATTLE, WA

4 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

5 THE STATE OF WASHINGTON,)
6 Plaintiff,) No. 95-1-03640-2
7 v.) INFORMATION
8 VET BUOT)
9 Defendant.)
10

11 I, Norm Maleng, Prosecuting Attorney for King County in the
12 name and by the authority of the State of Washington, do accuse VET
13 BUOT of the crime of **Assault in the First Degree**, committed as
14 follows.

15 That the defendant VET BUOT in King County, Washington, on or
16 about May 14, 1995, with intent to inflict great bodily harm, did
17 assault Leng Yim, with a deadly weapon, to-wit: a blow to the head
18 with an axe.

19 Contrary to RCW 9A 36.011(1)(a), and against the peace and
20 dignity of the State of Washington.

21 And I, Norm Maleng, Prosecuting Attorney for King County in the
22 name and by the authority of the State of Washington further do
23 accuse the defendant VET BUOT at said time of being armed with a
24 deadly weapon, to-wit: an axe, under the authority of RCW 9.94A.125.

25
26 NORM MALENG
27 Prosecuting Attorney

28 By: Craig Peterson for
29 Kristin J. Chandler, WSBA #91002
30 Deputy Prosecuting Attorney

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1 CAUSE NO. 95-1-03640-2

2 CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

3 That Kristin J. Chandler is a Deputy Prosecuting Attorney for
4 King County and is familiar with the police report and investigation
5 conducted in Seattle Police Department case No. 95-214522,

6 That this case contains the following upon which this motion
7 for the determination of probable cause is made;

8 On May 14, 1995, at approximately 12:40 a.m., Leng Yim was
9 attending a wedding reception which was being held at King's Plaza,
10 located at 7101 Martin Luther King Way South in Seattle, King
11 County, Washington. Mr. Yim had just gone to the bathroom when the
12 defendant, Vet Bout, approached him, pulled out a double-bladed axe
13 from the waistband of his pants, and struck Mr. Yim once in the
14 head. Mr. Yim fell to the ground, unconscious and bleeding
15 profusely. He was taken to Harborview Medical Center by ambulance,
16 where he was treated for an open, depressed skull fracture.

17 Chamroeu Suon was working as a security guard for the
18 restaurant where the reception was held. Mr. Suon saw the defendant
19 hit Mr. Yim in the head with the axe, and then repeatedly kick him
as he lay bleeding on the floor. Several guests also witnessed the
assault. The defendant ran outside and jumped into his car and
locked the driver's door. Seattle Police Officer Myers was flagged
down by guests as they attempted to keep the defendant from leaving
the area. Some of the guests believed Mr. Yim to be dating the
defendant's ex-girlfriend, which may have been a motivation to the
assault.

20 Officer Myers approached the defendant and ordered him out of
21 the car. The defendant refused and repeatedly attempted to pull
22 away from Officer Myers while he was being taken from the car. A
23 double-bladed axe with fresh blood on the blade was located in the
24 defendant's car.

25 The defendant was arrested and read his Miranda warnings. The
defendant initially told Officer Suzanne Parton he carried the axe
for protection and thought he was going to be jumped so he took out
the axe. The defendant told Officer Parton, Mr. Yim "took his
girlfriend." The defendant later told Detective Ciesynski he
retrieved the axe from his car and struck Mr. Yim once in the head.
The defendant denied knowing Mr. Yim or kicking him. He denied
knowing Mr. Yim to be dating his ex-girlfriend. The defendant told
Detective Ciesynski he thought Mr. Yim wanted to fight "by the look
in his eye."

Certification for Determination
of Probable Cause - 1

Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
Seattle Washington 98104-2312
(206) 296-9000

6016

1 Several witnesses were reluctant or refused to give statements
2 to the police for fear of retaliation, but none reported seeing
2 Mr. Yim confront the defendant in any way.

3 The State requests bail be set in the amount of \$50,000, the
4 same amount set by the Court at the defendant's first appearance,
5 and a no contact order be entered with Leng Yim. The defendant's
complete criminal history is unknown at this time and his only
reference could not verify any information.

6 Under penalty of perjury under the laws of the State of Washington,
7 I certify that the foregoing is true and correct. Signed and dated
by me this 17 day of May, 1995, at Seattle, Washington.

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Craig Peterson

Kristin J. Chandler, WSBA #91002

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Certification for Determination
of Probable Cause - 2

Norm Maleng
Prosecuting Attorney
W 554 King County Courthouse
Seattle, Washington 98104-2312
(206) 296-9000

Lois

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,) No 95-1-03640-2
 v.) JUDGMENT AND SENTENCE
 VET BOUT)
 Defendant)

JUL 10 1995

COMMITMENT ISSUED

COPY TO SENTENCING GUIDELINES COMMISSION JUL 10 1995
 PRESENTENCING STATEMENT & INFORMATION ATTACHED

I. HEARING

11 The defendant, the defendant's lawyer, GARY DAVIS, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: _____

12 The state has moved for dismissal of count(s) _____

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report(s) and case record to date, and there being no reason why judgment should not be pronounced, the court finds:

21 CURRENT OFFENSE(S): The defendant was found guilty on (date) 06-21-95 by plea of

Count No. 1 Crime. ASSAULT IN THE 1ST DEGREE
 RCW 9A.36 011 1 A Crime Code 01010
 Date of Crime 05-14-95 Incident No. _____

Count No. _____ Crime: _____
 RCW _____ Crime Code _____
 Date of Crime _____ Incident No. _____

Count No. _____ Crime: _____
 RCW _____ Crime Code _____
 Date of Crime _____ Incident No. _____
 Additional current offenses are attached in Appendix A.

SPECIAL VERDICT/FINDING(S):

- (a) A special verdict/finding for being armed with a deadly weapon was rendered on Count(s) _____
- (b) A special verdict/finding was rendered that the defendant committed the crimes(s) with a sexual motivation in Count(s) _____
- (c) A special verdict/finding was rendered for Violation of the Uniform Controlled Substances Act offense taking place in a school zone in a school on a school bus in a school bus route stop zone in a public park in public transit vehicle in a public transit stop shelter in Count(s) _____
- (d) Vehicular Homicide Violent Offense (D W I and/or reckless) or Nonviolent (disregard safety of others)
- (e) Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score (RCW 9.94A.400(1)(a)) are _____

22 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number) _____
 (Current offenses not listed here are not encompassed)

2.3 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360)

| Crime | Sentencing Date | Adult or Juv. Crime | Cause Number | Location |
|-------|-----------------|---------------------|--------------|----------|
| (a) | | | | |
| (b) | | | | |
| (c) | | | | |
| (d) | | | | |

Additional criminal history is attached in Appendix B.

Prior convictions (offenses committed before July 1, 1986) served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(6)(c))

One point added for offense(s) committed while under community placement for count(s)

2.4 SENTENCING DATA: OFFENDER SCORE SERIOUSNESS LEVEL RANGE MAXIMUM TERM

Count I : 0 XII 105 TO 135 MONTHS LIFE AND/OR \$50,000

Count : _____

Count : _____

Additional current offense sentencing data is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____

Findings of fact and conclusion(s) are attached in Appendix D

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A

The Court DISMISSES Count(s) _____

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below

4.1 RESTITUTION AND VICTIM ASSESSMENT:

Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.

Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.

Restitution to be determined at future hearing on (Date) 5-29-95 at 8:45 a.m. Date to be set
 Defendant waives presence at future restitution hearing(s)

Defendant shall pay \$100 Victim Assessment, pursuant to RCW 7.68.035.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- \$ _____, Court costs; Court costs are waived;
- \$ _____, Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104; Recoupment is waived (RCW 10.01.160);
- \$ _____, Fine; \$1,000, Fine for VUCSA, \$2,000, Fine for subsequent VUCSA; VUCSA fine waived (RCW 69.50.430);
- \$ _____ King County Interlocal Drug Fund Drug Fund payment is waived;
- \$ _____ State Crime Laboratory Fee, Laboratory fee waived (RCW 43.43.690);
- \$ _____ Incarceration costs; Incarceration costs waived (9.94A.145(2));
- \$ _____ Other cost for _____.

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 100 The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms
 Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer . The defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from date of sentence or release from confinement to assure payment of financial obligations.

4 4 CONFINEMENT OVER ONE YEAR. Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing Immediately; (Date) _____ by _____ in

105

months/days on Count No. _____

months/days on Count No. _____

months/days on Count No. _____

The terms in Count(s) No. _____ are concurrent/consecutive

The sentence herein shall run concurrently/consecutively with the sentence in cause number(s) _____ but consecutive to any other cause not referred to in this Judgment

Credit is given for 55 days served days as determined by the King County Jail solely for conviction under this cause number pursuant to RCW 9.94A.120(13)

4 5 NO CONTACT: For the maximum term of _____ years, defendant shall have no contact with Leem Yina

Violation of this no contact order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony.

4 6 BLOOD TESTING: (sex offense, violent offense, prostitution offense, drug offense associated with the use of hypodermic needles) Appendix G is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence.

4 7 COMMUNITY PLACEMENT: Community Placement is ordered for sex offense, serious violent offense, second degree assault, deadly weapon finding, Chapter 69 50 or 69 52 RCW offense, and standard mandatory conditions are ordered. Community placement is ordered for the maximum period of time provided by law. Appendix H (for additional conditions) is attached and incorporated by reference in this Judgment and Sentence.

4 8 WORK ETHIC CAMP: The court finds that the defendant is eligible for work ethic camp and is likely to qualify under Sec 4(3), Chap 338, Laws of 1993 and the Court recommends that the defendant serve the sentence at a work ethic camp. If the defendant successfully completes the program, the Department of Corrections shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. Upon completion of the work ethic camp program, the defendant shall be released on community custody for any remaining time of total confinement.

4 9 SEX OFFENDER REGISTRATION (sex offender crime conviction) Appendix J is attached and incorporated by reference into this Judgment and Sentence

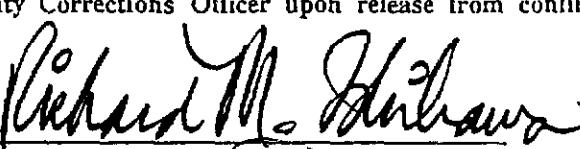
4 10 OTHER: _____

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date JUL 7 - 1995

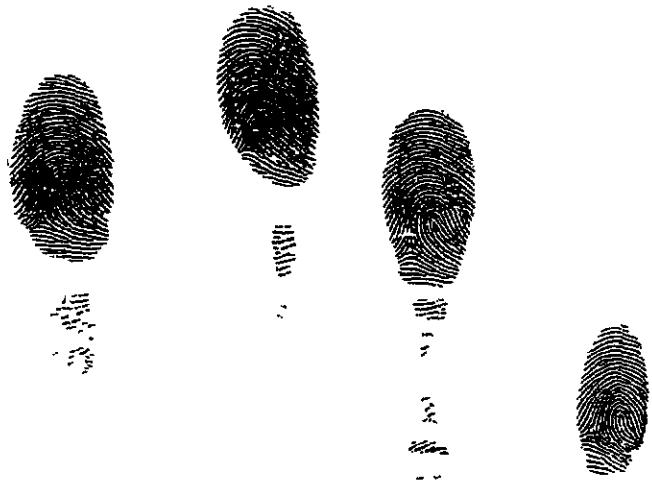
Presented by:

Deputy Prosecuting Attorney,
Office WSBA ID #91002


Richard M. Harbauer
Judge, King County Superior Court

Approved as to form


Attorney for Defendant, WSBA # 14019



RIGHT HAND
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: X VET
DEFENDANT'S ADDRESS: _____

VET BUOT

DATED JUL 07 1995
Richard M. Johnson
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY:
M. JANICE MICHELS, SUPERIOR COURT CLERK
BY: Melody Byrd
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I, _____, CLERK OF THIS COURT, CERTIFY THAT THE ABOVE IS A TRUE COPY OF THE JUDGEMENT AND SENTENCE IN THIS ACTION ON RECORD IN MY OFFICE
DATED: _____

S.I.D. NO. WA17148257
DATE OF BIRTH: FEBRUARY 1, 1969
SEX: M
RACE: ASIAN

CLERK

BY: _____
DEPUTY CLERK

PAGE 4 - FINGERPRINTS

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DNA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
) No 95-1-03640-2
 Plaintiff,)
)
 v.) APPENDIX G
)
 VET BOUT) ORDER FOR BLOOD TESTING
)
 Defendant.) AND COUNSELING

(1) HIV TESTING AND COUNSELING:

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense committed after March 23, 1988. RCW 70.24.340)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 296-4848 to make arrangements for the test to be conducted within 30 days

(2) DNA IDENTIFICATION:

(Required for defendant convicted of sexual offense or violent offense. RCW 43.43.754)

The Court orders the defendant to cooperate with the King County Department of Adult Detention and/or the State Department of Corrections in providing a blood sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangement for the test to be conducted within 15 days

If both (1) and (2) are checked, two independent blood samples shall be taken.

Date JUL 7 - 1995


 Richard M. McWharen
 Judge, King County Superior Court

APPENDIX G

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
 Plaintiff,)
) No 95-1-03640-2
)
 v) APPENDIX H
) COMMUNITY PLACEMENT
 BUOT, Vet)
 Defendant,))
)

The Court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below

4 5 Community Placement: Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after 1 July 1990 to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150(1) and (2) whichever is longer and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement

Community placement is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

(a) Defendant shall comply with the following conditions during the term of community placement:

- (1) Report to and be available for contact with the assigned community corrections officer as directed;
- (2) Work at Department of Corrections-approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay community placement fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location, and
- (7) Do not own, use or possess firearms or ammunitions

The following conditions listed under 4 5(a) are hereby waived by the court: _____

(b) Defendant shall comply with the following other conditions during the term of community placement

8 Do not purchase, possess or use alcohol (beverage or medicinal) and submit to testing and searches of your person, residence and vehicle by the Community Corrections Officer to monitor compliance

9 Do not enter any business where alcohol is the primary commodity for sale

10 Do not purchase, possess, control or use any firearm or deadly weapon and submit to searches of your person, residence and vehicle by the Community Corrections Officer to monitor compliance

11 Do not have direct or indirect contact with Leng Yim

12 Engage in and successfully complete anger management therapy with a qualified provider, as approved and directed by the Community Corrections Officer

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Appendix H, page 2

13 Do not be without full-time employment and/or training as approved and directed by the Community Corrections Officer

Date: JUL 7 - 1995

Richard M. Johnson

JUDGE, KING COUNTY SUPERIOR COURT

APPENDIX H - COMMUNITY PLACEMENT

U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

**ORDER TO SHOW CAUSE AND NOTICE OF HEARING
(ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)**

*In Deportation Proceedings under section 242 of the Immigration and Nationality Act
(En los trámites de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad)*

**United States of America:
(Estados Unidos de América:)**

File No. A27 290 441
(No. de registro)

Dated July 25, 1995
(Fechada)

In the matter of
(En el asunto de)
Address
(Dirección)

BUOT, Vet
(aka) BOUT, Vet (DOC #737154) _____ (Respondent)
c/o Washington State Corrections Center
Post Office Box 900 _____ (Demandado)
Shelton, WA. 98584

Telephone No (Area Code) (360) 426-4433
(No de teléfono y código de área)

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que)

- 1) You are not a citizen or national of the United States,
(Ud. no es ciudadano o nacional de los Estados Unidos)
- 2) You are a native of Cambodia and a citizen of Cambodia,
(Ud. es nativo de) (y ciudadano de) (15 de Noviembre, 1983)
- 3) You entered the United States at or near San Francisco, California on or about November 15, 1983,
(Ud. entró a los Estados Unidos en o cerca de) (el día o hacia esa fecha)
- 4) At that time you entered as a refugee.
(En ese momento Ud. entró como un refugiado.)
- 5) On June 19, 1986, you were accorded the status of a permanent resident as of November 15, 1983.
(En el 19 de Junio, 1986, Ud. fue acordado estados como un residente permanente desde el 15 de Noviembre, 1983.)
- 6) You were on July 7, 1995, convicted in the Superior Court of Washington for King County, for the offense of Assault in the First Degree.
(Ud. resultó convicto el 7 de Julio, 1995, en el Tribunal Superior de Washington, Condado de King, por el delito de Asalto en el Primer Grado.)
- 7) For that offense, the term of imprisonment imposed was 105 months.
(Por ese delito, el término de confinamiento impuesto fue de 105 meses.)

U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

BUOT, Vet
Respondent (aka) BOUT, Vet (DOC #737154)
(Demandado)Dated July 25, 1995
(Fechada)
File No. A27 290 441
(No. de registro)

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law.

(Y segun los alegatos anteriores, se le acusa de estar sujeto a deportacion de acuerdo con la(s) siguiente(s) disposicion(es) de la ley.)

1) Section 241 (a) (2) (A) (iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after entry, you have been convicted of an aggravated felony as defined in Section 101 (a) (43) of the Act, to wit: a crime of violence (as defined in Section 16 of Title 18, United States Code, not including a purely political offense), for which a term of imprisonment imposed was five years or more.
(Seccion 241 (a) (2) (A) (iii) de la Ley de Inmigracion y Nacionalidad (INA), segun enmendada, en que, en algun momento despues de su entrada, Ud. ha resultado convicto de un felonía agravada, segun se define en la Seccion 101 (a) (43) de la INA, a saber: un delito de violencia (segun se define en la Seccion 16 del Titulo 18, Codigo de los Estados Unidos, que no incluye un delito puramente politico), por el cual fue impuesto un termino de confinamiento de cinco anos o mas.)

WHEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for Immigration Review of the United States Department of Justice at

(POR LO CUAL, SE LE ORDENA comparecer ante un juez de inmigracion de la Oficina Ejecutiva de Revision de Inmigracion del Departamento de Justicia de los Estados Unidos en)

To be calendared and notice provided by the Office of the Immigration Judge.
Address Notice will be mailed to the address provided by the Respondent.
(Direccion) (La oficina del juez de inmigracion enviara un aviso a la direccion facilitada
(Fecha) On el demandado con la fecha de la audiencia.) At m
(Hora)

and show cause why you should not be deported from the United States on the charge(s) set forth above
(y mostrar motivos justificantes por cual no deberia ser deportado de los Estados Unidos por los cargos expresados anteriormente)

Dated July 25, 1995
(Fechada)

Signature of Issuing Officer Donald J. Nease
(Firma del funcionario que la expide)

City and State of Issuance Seattle, Washington
(Ciudad y Estado donde se expide)

Title of Issuing Officer District Director
(Titulo del funcionario que la expide)

This Order to Show Cause shall be filed with the Immigration Judge of the Executive Office for Immigration Review at the address provided below. You must report any changes of your address or telephone number in writing to this office.

Debe presentar esta Orden de Presentar Motivos Justificantes a la Oficina Ejecutiva de Revisión de Inmigración en la siguiente dirección. Debe notificar cualquier cambio de su domicilio o número de teléfono por escrito a

The Office of the Immigration Judge

1000 Second Avenue Suite 3150
Seattle, Wa. 98104

Certificate of Translation and Oral Notice

This Order to Show Cause was was not read to the named alien in the SPANISH language, which is his/her native language or a language which he/she understands.

| | | |
|------|-----------|--------------------------------------|
| Date | Signature | Printed Name and Title of Translator |
|------|-----------|--------------------------------------|

Address of Translator (If other than INS employee) or office location and division (if INS employee)

BY CERTIFIED MAIL

(If oral notice was not provided please explain)

| Manner of Service | Alien's Right Thumb Print |
|--|---------------------------|
| <input type="checkbox"/> Personal Service to Alien <input checked="" type="checkbox"/> Certified Mail - Return Receipt Requested <input checked="" type="checkbox"/> Alien <input type="checkbox"/> Counsel of Record | |

Certificate of Service

This Order to Show Cause was served by me at _____ on _____ September 01, 19 95
 at _____ m.

| | | | |
|---------------------|--------------|-------------------------|-------------|
| Officer's Signature | Mary Whitney | Investigation Assistant | Seattle, WA |
| | Printed Name | Title | Office |

Alien's Signature (acknowledgment/receipt of this form)
 (Firma de extranjero/acuse de recibo)

**Request for Prompt Hearing and Waiver of 14-Day Minimum Period
 (Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)**

To expedite determination of my case, I request an immediate hearing, and waive my right to the 14 day notice
 (Para agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días)

Signature of Respondent
 (Firma de demandado)

Date
 (Fecha)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SEATTLE, WA

*S-BUOI, VET
C/O TINA WOOD — SUPERINTENDENT
W.S.P. PO BOX 520
WALLA WALLA, WA 99362
INMATE NO: 737154

NOTICE OF HEARING IN DEPORTATION PROCEEDINGS

DATE OF NOTICE: Mar 15, 1996
FILE: A27-290-441

You are hereby notified that a hearing in this case is scheduled before an Immigration Judge on
Apr 24, 1996 at 8:00 A.M. at the

WASHINGTON DEPARTMENT OF CORRECTIONS
WASHINGTON STATE PENITENTIARY
WALLA WALLA, WA 99362

You may be represented in this proceeding at no expense to the Federal Government by an attorney or other individual authorized to represent persons in these proceedings. Your attorney or representative should appear with you at the scheduled hearing. Enclosed with this notice is a Form EOIR 28, "Notice of Entry of Appearance as Attorney or Representative", which your attorney or representative must present at the hearing, or preferably, file in advance with the

IMMIGRATION COURT
2000 SECOND AVENUE, SUITE 2500
SEATTLE, WA 98104

Also enclosed with this notice are the name(s), address(es) and telephone number(s) of legal organization(s) which can be contacted for free legal assistance by individuals who qualify.

ANYONE EXPECTING TO ENTER THE FACILITY IN ORDER TO APPEAR AT THE IMMIGRATION HEARING IS SUBJECT TO CORRECTIONS DEPARTMENT POLICIES AND PROCEDURES REGARDING ENTRY. CONTACT THE SECURITY OFFICE AT THIS PRISON IN ADVANCE OF THE DAY OF THE HEARING FOR FURTHER SPECIFIC INFORMATION ABOUT ENTRY GUIDELINES.

FOR INFORMATION REGARDING THE STATUS OF YOUR CASE, CALL TOLL FREE
1-800-898-7180.

Enclosures: Free legal service information
Form EOIR 28

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SEATTLE, WA

*S-BIOP, VET
C/O TANA WOOD — SUPERINTENDENT
W.S.P. PO BOX 520
WALLA WALLA, WA 99362
INMATE NO: 737154

NOTICE OF HEARING IN DEPORTATION PROCEEDINGS

DATE OF NOTICE: Dec 27, 1995
FILE# A27-290-441

You are hereby notified that a hearing in this case is scheduled before an Immigration Judge on
Feb 15, 1996 at 8:00 A.M. at the

WASHINGTON DEPARTMENT OF CORRECTIONS
WASHINGTON STATE PENITENTIARY
WALLA WALLA, WA 99362

You may be represented in this proceeding at no expense to the Federal Government by an attorney or other individual authorized to represent persons in these proceedings. Your attorney or representative should appear with you at the scheduled hearing. Enclosed with this notice is a Form EOIR 28, "Notice of Entry of Appearance as Attorney or Representative", which your attorney or representative must present at the hearing, or preferably, file in advance with the

OFFICE OF THE IMMIGRATION JUDGE
1000 SECOND AVENUE, SUITE 2500
SEATTLE, WA 98104

Also enclosed with this notice are the name(s), address(es) and telephone number(s) of legal organization(s) which can be contacted for free legal assistance by individuals who qualify.

TO ENTER THE FACILITY IN ORDER TO APPEAR AT THE IMMIGRATION COURT TO CORRECTIVE POLICIES AND PROCEDURES REGARDING THE SECURITY OFFICE AT THIS PRISON IN ADVANCE OF THE DAY OF THE HEARING SPECIFIC INFORMATION, PLEASE ENTRY GUIDELINES.
FOR INFORMATION REGARDING THE STATE OF YOUR CASE, CALL TOLL FREE 1-800-898-7180.

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Enclosures: Free legal service information
Form EOIR 28

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
1000 Second Ave., Suite 3500
Seattle, Washington 98104

Date: 12/1/95

File No. 27-290-441

TO: The Respondent/Applicant Vel BHOI

NOTICE OF HEARING TO ALIEN IN IMMIGRATION PROCEEDINGS

MASTER HEARING

INDIVIDUAL HEARING

PLEASE NOTE THAT THE ABOVE-CAPTIONED CASE WILL BE HEARD BY AN IMMIGRATION JUDGE ON February 15, 1996 AT THE LOCATION INDICATED BELOW.

(Please note that all dates are stated in Month/Day/Year format.)

WASHINGTON STATE REFORMATORY, MONROE, WASHINGTON 98262

WASHINGTON STATE PENITENTIARY, WALLA WALLA, WASHINGTON 99362

AIRWAY HEIGHTS CORRECTIONS CENTER, AIRWAY HEIGHTS, WA 99001

AT 8:00 AM

NOTE: YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT ALIENS BEFORE AN IMMIGRATION JUDGE. IF YOU WISH TO BE SO REPRESENTED, YOUR ATTORNEY OR REPRESENTATIVE SHOULD APPEAR WITH YOU AND SUBMIT A NOTICE OF APPEARANCE, FORM EOIR-28.

FAILURE TO APPEAR MAY RESULT IN ANY OR ALL OF THE FOLLOWING:

1. FORFEITURE OF YOUR BOND IF YOU ARE IN DEPORTATION PROCEEDINGS.
2. YOUR HEARING BEING HELD IN YOUR ABSENCE UNDER SEC. 242(B) OF THE IMMIGRATION AND NATIONALITY ACT.
3. AN ORDER OF DEPORTATION/EXCLUSION BEING ENTERED AGAINST YOU.
4. ISSUANCE OF A WARRANT FOR YOUR ARREST AND DEPORTATION.
5. IF YOU ARE AN ALIEN IN EXCLUSION PROCEEDINGS, YOUR APPLICATION FOR ADMISSION MAY BE CONSIDERED WITHDRAWN.

APPLICATION I-191/I-256A/I-485/I-589 DUE BY:

Feb. 15, 1996

PERSONAL SERVICE BY: Clerk of the Court: CMH

cc: INS District Counsel/ General Attorney or Alien or Alien's Attorney/Authorized Representative.

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SEATTLE, WA

*S-DOOT, VET
C/O TANA WOOD — SUPERINTENDENT
W.S.P. PO BOX 520
WALLA WALLA, WA 99362
JURISDICTION NO: 737154

NOTICE OF HEARING IN DEPORTATION PROCEEDINGS

DATE OF NOTICE: Nov 6, 1995
FILE: A27-290-441

You are hereby notified that a hearing in this case is scheduled before an Immigration Judge on
DEC 7, 1995 at 8:00 A.M. at the

WASHINGTON DEPARTMENT OF CORRECTIONS
WASHINGTON STATE PENITENTIARY
WALLA WALLA, WA 99362

You may be represented in this proceeding at no expense to the Federal Government by an attorney or other individual authorized to represent persons in these proceedings. Your attorney or representative should appear with you at the scheduled hearing. Enclosed with this notice is a FORM BOIR 28, "Notice of Entry of Appearance as Attorney or Representative", which your attorney or representative must present at the hearing, or preferably, file in advance with the

OFFICE OF THE IMMIGRATION JUDGE
1000 SECOND AVENUE, SUITE 2500
SEATTLE, WA 98104

Also enclosed with this notice are the name(s), address(es) and telephone number(s) of legal organization(s) which can be contacted for free legal assistance by individuals who qualify.

ANYONE EXPIRING TO ENTER THE FACILITY IN ORDER TO APPEAR AT THE IMMIGRATION HEARING IS SUBJECT TO CONVICTION FOR FUGITIVE POLICING AND PUNISHMENT. REPORT TO COMMERCIAL SECURITY OFFICER AT THE PRISON IMMEDIATELY IF YOU HAVE FOR ANY REASON SPECIFIC INFORMATION ABOUT ENTRY CONDITIONS.
FOR INFORMATION REGARDING THE STATUS OF YOUR CASE, CALL TOLL FREE 1-800-898-7144.

Enclosures: Free legal service information
Form BOIR 28

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